

Kings County Sheriff's Office

Kings County SO Policy Manual

SHERIFF'S PREFACE

KINGS COUNTY SHERIFF'S OFFICE PERSONNEL: The Sheriff's Office is responsible for the protection of lives, property and the rights of all persons. The Sheriff's Office Policy and Procedures Manual represents a vital tool for each member of our agency in discharging his/her responsibilities. Individual adherence to the directives and guidelines herein contained will enable the Sheriff's Office to function in the most efficient manner, and provide citizens of Kings County with quality law enforcement services. Every profession defines certain behavior and practices by which its members properly function. Rules, codes and procedures are developed to provide the members of the profession with the protection they need against unjust or unfounded criticism. Conversely, rules, codes and procedures are a protection to the recipient of law enforcement services against wrongful professional conduct. It is fully recognized that rules, practices, procedures and policies may require modification to reflect changing needs and more effective methods as the develop. This manual may be appropriately revised to reflect such needed changes. Thus, a Sheriff's Office Manual is a working tool which will hopefully reflect your future suggestions. The manual contents and all appropriate references represent the rules and practices for which all members of this office are held accountable.

Sincerely,

David S. Robinson

SHERIFF-CORONER-PUBLIC ADMINISTRATOR

COUNTY OF KINGS

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KINGS COUNTY SHERIFF'S OFFICE MISSION STATEMENT

Kings County Sheriff's Office

"Mission Statement"

The Kings County Sheriff's Office is dedicated

to providing the finest quality

Law Enforcement and Correctional services.

To ensure a tranquil quality of life,

We stand unified,

determined to protect and safeguard human rights.

We shall provide top quality, responsive,

efficient law enforcement services.

This commitment of excellence is a sacred trust.

Working in partnership with our communities

is our MISSION!

Together, we cannot fail!

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

100.2.1 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 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE KINGS COUNTY SHERIFF'S OFFICE

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

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

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

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100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE KINGS COUNTY SHERIFF'S OFFICE

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

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

100.2.4 TIME OF MISDEMEANOR ARRESTS

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

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

100.2.5 OREGON AUTHORITY

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

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or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

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

Whenever practicable, deputies should seek permission from a 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 POLICY

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

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When a deputy enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

100.5 CONSTITUTIONAL REQUIREMENTS

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

Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 SHERIFF CANDIDATEREQUIREMENTS

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

101.1.2 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department 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 (Penal Code § 832.4).

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 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.

102.3 POLICY

It is the policy of the Kings County Sheriff's Office that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.4 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members 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."

102.5 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Government Code § 3105).

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Kings 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 Kings County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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

CHP- The California Highway Patrol.

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CFR - Code of Federal Regulations.

County - The County of Kings County.

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

Department/KCSO - The Kings County Sheriff's Office.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The Kings County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary deputies
- Non-sworn employees
- Volunteers.

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

Each Division Commander 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 Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their office at all times.

104.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (11 CCR 1013).

104.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse 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; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my office. 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, 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the deputy.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Kings County Sheriff's Office is designed to create an efficient means to accomplish our mission and goals and to provide the best possible service to the public.

200.2 DIVISIONS

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

Administration Division

Operations Division

Communications Division

Support Division

Custody Division

200.3 ADMINISTRATION DIVISION

The Administration Division is directed by a Commander who reports to an Assistant Sheriff, and whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of Administrative Services, Civil Services, and other services as assigned.

200.4 OPERATIONS DIVISION

The Operations Division is directed by a Commander who reports to an Assistant Sheriff, and whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of Uniformed Patrol to include School Resource Deputies and perform operational duties as assigned.

200.5 COMMUNICATIONS DIVISION

The Communications Division is directed by a Commander who reports to an Assistant Sheriff, and whose primary responsibility is to provide general management direction and control for the Communications Division. The Communications Division consists of Emergency Dispatch Services, Court Services, Records, and other duties as assigned.

200.6 SUPPORT DIVISION

The Support Division is directed by a Commander who reports to an Assistant Sheriff, and whose primary responsibility is to provide general management direction and control of the Support Division. The Support Division consists of Investigative Units, Evidence, Animal Services, Coroner/Public Administrator, and other duties as assigned.

200.7 CUSTODY DIVISION

See Kings County Sheriff's Office Custody Manual.

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Organizational Structure and Responsibility

200.8 SUCCESSION OF COMMAND

The Sheriff exercises overall command of all personnel in the department. During planned absences, the Sheriff will designate an Assistant Sheriff to serve as the acting Sheriff.

Except when designated above, the order of command authority in the absence or unavailability of the Sheriff or Assistant Sheriff is as follows:

Operations Division Commander

Communications Division Commander

Administration Division Commander

Support Division Commander

200.9 UNITY OF COMMAND

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

200.10 ORDERS

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

General Orders

201.1 PURPOSE AND SCOPE

Interim Directives establish an interdepartmental 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. Interim Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 INTERIM DIRECTIVE PROTOCOL

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

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

Any Interim 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, 12-01 signifies the first Interim Directive for the year 2012.

201.2 RESPONSIBILITIES

201.2.1 STAFF

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

201.2.2 SHERIFF

The Sheriff shall issue all Interim Directives.

201.3 ACCEPTANCE OF INTERIM DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Interim Directives. All employees are required to acknowledge in writing the receipt and review of any new Interim Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Sergeant.

Emergency Management Plan

202.1 PURPOSE AND SCOPE

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

202.2 ACTIVATING THE EMERGENCY PLAN

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

202.3 RECALL OF PERSONNEL

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

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

202.4 LOCATION OF THE PLAN

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

202.5 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.

Electronic Mail

203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. Email 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 email 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 Department.

203.2 EMAIL DESTRUCTION

Sheriff's Office email messages will be retained in the deleted mailbox for a maximum of 60 days.

After the 60 day period email messages will be deleted automatically. Deleted email messages will not be retrievable, email messages that constitute "official records" which must be retained as required by law, needs to be saved in a location other than the active email system. This duty arises when the user knows or has reason to know that the official records may be evidence to probable future litigation.

Administrative Communications

204.1 PURPOSE AND SCOPE

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

204.2 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.

204.3 CORRESPONDENCE

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

204.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Sheriff or a Division Commander.

License to Carry a Firearm

205.1 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).

205.1.1 APPLICATION OF POLICY

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

205.2 POLICY

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

205.3 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 Kings County (Penal Code § 26150; Penal Code § 26155).
- (d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- (e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- (f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- (g) Pay all associated application fees (Penal Code § 26190).
- (h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Kings County Sheriff's Office (Penal Code § 26162).
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training described in Penal Code § 26165.

205.4 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.

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205.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

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

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

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

205.4.2 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.

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- (b) The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the 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 Office (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the 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 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 office Rangemaster, or provide proof of successful completion of another 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).

205.5 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).
- (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

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that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this office in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Office shall notify the California DOJ (Penal Code § 26210).

205.5.1 LICENSE RESTRICTIONS

- (a) The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
 - 1. Consuming any alcoholic beverage while armed.
 - 2. Falsely representing him/herself as a peace officer.
 - 3. Unjustified or unreasonable displaying of a firearm.
 - 4. Committing any crime.
 - 5. Being under the influence of any medication or drug while armed.
 - 6. Interfering with any law enforcement officer's duties.
 - 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 - 8. Loading the permitted firearm with illegal ammunition.
- (b) The Sheriff reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

205.5.2 AMENDMENTS TO LICENSES

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

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

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

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205.5.3 REVOCATION OF LICENSES

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

- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- (c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- (d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

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

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

205.5.4 LICENSE RENEWAL

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

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a training course pursuant to Penal Code § 26165.
- (c) Submitting any firearm to be considered for a license renewal to the 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 Office shall give written notice to the applicant of the office's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

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

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

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205.6 OFFICE REPORTING AND RECORDS

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

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

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

205.7 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).

205.8 REQUIRED COURSE OF FIRE

For NEW LICENSE applicants, the course of training for issuance of a CCW license shall be no less than 8 hours, but shall not exceed 16 hours in length.

- (a) The course shall include instruction of firearm safety, firearm handling, shooting technique and laws regarding the permissible use of a firearm.
- (b) The course shall include live-fire shooting exercises on the firing range and shall include a demonstration by the applicant of safe handling of and shooting proficiency with each firearm.
- (c) The course of fire shall consist of firing the maximum amount of rounds in each magazine or cylinder (not including one in the chamber) from 7 yards. The minimum pass score for qualification will be 50% within center mass. After successful completion of this initial course of fire, each additional firearm to be listed on the CCW license shall consist of firing the maximum amount of rounds in each magazine or cylinder (not including one in the chamber) from 7 yards. A passing score of 50% within center mass will apply for this as well.
- (d) Instructors, please have the minimum requirements noted on the applicant's certificate.

For LICENSE RENEWAL applicants, the courses of training for issuance of a CCW license shall be no less than 4 hours AND include sections a, b and c listed above.

205.9 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

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municipal police 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 Kings County (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).

205.10 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).

205.10.1 ADDITIONAL REQUIREMENTS

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

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

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205.11 POLICY AVAILABILITY

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

Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

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

206.2 POLICY

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

206.3 LEOSA

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

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

206.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

206.3.2 AUTHORIZATION

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

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

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

206.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

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

206.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

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

206.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

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

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

206.4.3 QUALIFIED RETIRED RESERVES

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

206.5 FORMER DEPUTY RESPONSIBILITIES

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

206.5.1 RESPONSIBILITIES UNDER LEOSA

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

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

206.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

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

206.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

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

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206.7 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

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

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

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

206.8 FIREARM QUALIFICATIONS

The Rangemaster will not provide former deputies from this department an opportunity to qualify.

Training

207.1 PURPOSE AND SCOPE

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

207.2 PHILOSOPHY

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

207.3 OBJECTIVES

The objectives of the Training Program are to:

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

207.4 TRAINING PLAN

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

(Agency-specific training areas)

207.5 TRAINING NEEDS ASSESSMENT

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

207.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. First choice vacation
 - 3. Sick leave

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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 both his/her supervisor and the Training Sergeant.
 3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

207.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Kings County Sheriff's Office Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them. 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 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.

207.8 POLICY

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

207.9 TRAINING SERGEANT

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

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207.9.1 TRAINING RESTRICTION

The Training Sergeant 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)).

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

300.1.1 DEFINITIONS

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 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 FAIR AND UNBIASED USE OF FORCE

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

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.2.4 FAILURE TO INTERCEDE

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

300.3 USE OF FORCE

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

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

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

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proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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

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

300.3.1 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).
- (g) The individual's apparent ability to understand and comply with deputy commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.

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- (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 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 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

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300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

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

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

300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

300.3.8 ADDITIONAL RESTRICTIONS

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

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secured, deputies should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

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

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

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the deputy or another person. A deputy's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable

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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 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 Office may require the completion of additional report forms, as specified in office policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.

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- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Center Policy.

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.

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.

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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.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy.

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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)).

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 shall 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)).

Less Lethal Force Options

301.1 PURPOSE AND SCOPE OF THE USE OF LESS LETHAL / KINETIC ENERGY PROJECTILES (BEANBAG ROUNDS)

The use of less lethal munitions is an element of force that may be utilized to compel an individual to cease their actions when less lethal munitions present a viable option for resolving the situation at hand. The use of force by law enforcement has long been judged by what is held to be reasonable. The use of less lethal munitions is a reasonable law enforcement option when an impact weapon used from a distance will compel the combative suspect to submit to arrest. This option should only be used when it is apparent greater force will be necessary should less lethal options not be deployed.

301.2 USE OF LESS LETHAL MUNITION

The use of less lethal munitions on armed or unarmed suspects shall be based on the evaluation of the tactical situation by the deputies on scene, taking into consideration the following:

- (a) The suspect is armed with the type of weapon that allows for the application of less lethal munitions. (This would be a club or other type of impact weapon.) Should the suspect be armed with a firearm or knife, the less lethal option may be considered when appropriate
- (b) The suspect has made threats to harm deputies or threats to harm themselves or others and the credibility of that threat is significant.
- (c) Where the subject is engaging in riotous behavior or throwing dangerous projectiles at citizens or law enforcement.
- (d) The suspect has stated or exhibited intent to violently resist being taken into custody. The suspect's actions demonstrated the credibility of prior statements or exhibited intent.
- (e) Information about the suspect's expertise in martial arts or other unarmed means of defensive tactics.
- (f) Indication of drug or alcohol intoxication that indicates violent tendencies and the suspect is exhibiting those tendencies.
- (g) Less lethal munitions are generally prohibited for use on juveniles. Should a juvenile exhibit behavior indicated in sections 1, 2, 3, 4, 5 or 6 an evaluation of the potential for injury to the involved deputies and the juvenile must be undertaken before the less lethal munitions are used.

301.3 OPERATIONAL PROCEDURES, FIELD DEPLOYMENT AND QUALIFICATION

- (a) Only authorized deputies will carry less lethal munitions (12 gauge beanbag rounds) in their patrol unit. The less lethal rounds will not be carried loaded in or attached to the patrol shotgun. The rounds will be carried in a separate container clearly marked "LESS LETHAL ROUNDS".

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- (b) If possible, the 12-gauge shotgun used for delivery of less lethal munitions should be designated for that use only. If a patrol unit shotgun is used the weapon should be thoroughly down loaded, checked by another deputy, then reloaded with less lethal munitions. (At no time will a mixture of less lethal and .00 buckshot or slug ammunition be loaded into the weapon being used to deliver less lethal munitions.)
- (c) Loading of the less lethal munitions will be conducted in a safe manner in accordance with practiced firearms safety rules. The weapon will be pointed in a safe direction. Check the chamber and magazine to insure it is empty then, if tactically possible have another deputy recheck the weapon. Place the weapon's safety in the "ON" position and load (or reload) the weapon with less lethal munitions.
- (d) Deputies will qualify once a year with less lethal munitions which they are authorized to deploy.

301.4 TACTICAL USE OF LESS LETHAL MUNITIONS

- (a) Whenever possible, a team of deputies should be involved in the deployment of less lethal munitions.
 - 1. The shotgun operator will deploy the less lethal munitions.
 - 2. The deputy assigned to cover the shotgun operator will have the discretion to have their weapon holstered or to have it drawn. Each covering deputy should evaluate the immediate threat of great bodily injury that would necessitate the need for the use of deadly force to stop the threat.
 - 3. Distraction of the suspect just prior to the deployment of less lethal munitions will assist in surprising the suspect with the impact of the beanbag round.
 - 4. An arrest team, preferably at least two deputies, should be ready for immediate action upon the use of less lethal munitions.
 - 5. All deputies present should be advised and the suspect warned, by loud announcement, of the potential deployment/discharge of less lethal munitions so as not to be surprised upon the report of the weapon if it is fired.

301.5 DEPLOYMENT DISTANCE AND SHOT PLACEMENT

Depending on the distance the less lethal munitions are deployed from the results and point of aim will vary.

- 1. All points of aim should be in accordance with accepted target areas of other impact weapons.
 - a. The following areas should be avoided when deploying the less lethal munitions: the head, the chest, the throat, the front or back of neck, the groin, the spine, the lower back, the tailbone or the kidney.
- 2. The following are recommended points of aim for effective use at specific distances. Distances are measured from the muzzle.
 - a. 0 - 20ft.: No shots unless there is an exigent circumstance. If necessary, aim only at the extremities. (There is a high likelihood of serious bodily injury or death if deployed at 20 ft. or within.)
 - b. 20 - 90 ft.: Aim for the largest

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available target zone within the primary target area. 60 ft. is the maximum effective range of deployment.

3. The following are recommended points of aim for effective use at specific distances when utilizing the LIGHTFIELD "Super Star" round during SWAT operations. Distances are measured from the muzzle. c. 0 - 6 ft.: No shots unless there is an exigent circumstance. If necessary, aim only at the extremities. (There is a high likelihood of serious bodily injury or death if deployed at 6 ft. or within.) d. 2 - 45 ft.: Aim for the largest available target zone within the primary target area. 45 ft. is the maximum effective range of deployment.

4. The following are recommended points of aim for effective use at specific distances when utilizing the SDI B.I.P (Blunt Impact Projectile) round during SWAT operations. Distances are measured from the muzzle. d. 0 - 6.5 ft.: No shots unless there is an exigent circumstance. If necessary, aim only at the extremities. (There is a high likelihood of serious bodily injury or death if deployed at 6.5 ft. or within.) e. 6.5 - 262 ft.: Aim for the largest available target zone within the primary target area. 262 ft. is the maximum effective range of deployment.

5. The following are recommended points of aim for effective use at specific distances when utilizing the Exact Impact 40 mm Sponge Round during SWAT operations. Distances are measured from the muzzle. d. 0 - 6.5 ft.: No shots unless there is an exigent circumstance. If necessary, aim only at the extremities. (There is a high likelihood of serious bodily injury or death if deployed at 6.5 ft. or within.) e. 6.5 - 118 ft.: Aim for the largest available target zone within the primary target area. 164 ft. is the maximum effective range of deployment.

301.6 MEDICAL SCREENING

- (a) As soon as is practical, all subjects who come in contact with less lethal munitions will be medically screened and, if needed, afforded medical treatment.
 - 1. Depending on the condition of the impact suspect, the deputy has the option of transporting the suspect by sheriff's unit or ambulance. The impact suspect should be examined at the scene and a decision made on how the suspect will be taken to the medical facility for screening or treatment.
 - 2. A medical release for the suspect should be obtained prior to the booking process. A copy of the medical release will be attached to the report of the incident.

301.7 INVESTIGATION AND REPORTING THE USE OF LESS LETHAL MUNITIONS

- (a) All use of less lethal munitions will be reported to the on-call commander as soon as is practical.
- (b) The use of less lethal munitions shall be documented in accordance with departmental reporting procedures.
 - 1. The report regarding the investigation, which resulted in the use of less lethal munitions, will indicate the reason the impact weapon was deployed.

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- (c) The collection of evidence will include, but is not limited to, photographs of the impact area and recovery of the spent munitions casings and, if possible, the less lethal round.
 - 1. A copy of the report will be sent to the division Assistant Sheriff and the Division Commander of the involved Deputy.

Deadly Force Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Kings 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 Kings 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.

302.4 LETHAL FORCE INVESTIGATION POLICY

The Kings County Sheriff's Office is responsible for conducting a thorough, complete and detailed criminal investigation into all Lethal Force Encounter (LFE) incidents by a member of the Kings County Sheriff's Office, in its jurisdiction or at the request of another agency.

The District Attorney or his/her designee will be notified and he/she may send representatives to assist in the investigation and/or take the lead if necessary and requested by the Sheriff or his/her designee.

These investigations include use of force by deputies, which result in death of an armed or unarmed person.

In the event the death was use of force by a deputy or an unarmed person the notification process outlined in DOJ Bulletin 2021-DLE-03 will be followed, with official notification to DOJ coming from the on call or Division Commander.

Prior to the DOJ notification the commander will consult with the Assistant Sheriff and /or Sheriff to detail why the notification meets the criteria and definitions in the Law Enforcement Bulletin, requiring notification.

These LFE investigations shall be comprehensive and include all aspects of a criminal investigation, including, but not limited to processing the crime scene, recovering all relevant evidence and conducting interviews with involved deputies, witness deputies, supervisors, citizen witnesses and suspects. Some ancillary involved deputies may be instructed to complete their own written reports.

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The Sheriff Office supervisor shall ensure all involved deputies, witness deputies and/or their attorney, receive a copy of audio and/or body worn camera recording(s), as well as other video/ audio evidence discovered by investigators, prior to being interviewed by investigators. The members shall be allowed to review the recording(s) prior to being interviewed.

The supervisor shall be responsible for updating the affected chain of command relative to significant developments of the ongoing investigation. The supervisor shall be responsible for providing the Division Commander with a verbal briefing after the initial portion of the LFE investigation is complete. The supervisor will include the known facts of the LFE so the Division Commander can give a preliminary LFE review to the chain of command as soon as practical. The supervisor shall also be responsible for ensuring timely press release information is provided to the person(s) assigned media relations for that respective incident.

Once the LFE criminal investigation is complete the Commander will review the entire criminal investigation and will ensure any follow up necessary is assigned. Once complete, copies of the entire completed investigation will be distributed to the District Attorney's Office, the Administrative Commander and any other agencies as approved by the Assistant Sheriff or Sheriff.

The investigations division may be asked to prepare a detailed presentation for review. Personnel should be prepared to answer any questions concerning the facts surrounding the LFE incident, and the results of their criminal investigation.

The Division Commander shall make timely notifications to the affected staff and chain of command when the District Attorney's Office renders a decision on the legality of the force used during the LFE incident. If a written response is provided it will be kept with the file (a digital version is acceptable).

[See attachment: 2021-DLE-03 Information Bulletin.pdf](#)

Handcuffing and Restraints

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 USE OF RESTRAINTS

Only members who have successfully completed Kings 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.

303.3.1 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.

303.3.2 RESTRAINT OF PREGNANT PERSONS

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

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).

303.3.3 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.

303.3.4 NOTIFICATIONS

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

303.4 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 Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

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

In situations where one pair of handcuffs does not appear sufficient to restrain the person 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.

303.5 APPLICATION OF SPIT HOODS

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

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

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

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or distorting that person's vision. Deputies should avoid comingling those wearing spit hoods with other detainees.

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

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

303.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

303.7 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 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).

303.7.1 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.
- (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.

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- (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 emergency medical services, 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 person (e.g., prolonged struggle, extreme agitation, impaired respiration).

303.8 REQUIRED DOCUMENTATION

If a person 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 a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Deputies should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

303.9 TRAINING

Subject to available resources, the Training Sergeant 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 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

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

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

304.3 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.

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.

304.4 RESPONSIBILITIES

304.4.1 WATCH COMMANDER RESPONSIBILITIES

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

304.4.2 RANGEMASTER RESPONSIBILITIES

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

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

304.4.3 USER RESPONSIBILITIES

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

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

304.5 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.

304.6 TEAR GAS GUIDELINES

304.7 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.

304.7.1 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. Canisters involved in any type of malfunction or damage shall be turned in to the Administrative Commander or his/her designee for exchange.

304.7.2 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.

304.8 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.

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304.9 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.

304.9.1 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.

304.9.2 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

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according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

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

304.9.3 SAFETY PROCEDURES

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

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

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

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

304.10 TRAINING FOR CONTROL DEVICES

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

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

304.11 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

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

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

305.3 ISSUANCE AND CARRYING CEDS

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

The Rangemaster should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

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

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

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

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

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

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

305.3.1 USER RESPONSIBILITIES

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

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the 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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305.4 VERBAL AND VISUAL WARNINGS

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

The purpose of the warning is to:

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

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

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

305.5 USE OF THE CED

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

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

305.5.1 APPLICATION OF THE CED

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

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

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

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

305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

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

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

305.5.3 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.

305.5.4 MULTIPLE APPLICATIONS OF THE CED

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

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

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the deputy must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

305.5.5 DANGEROUS ANIMALS

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

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305.5.6 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.

305.5.7 OFF-DUTY CONSIDERATIONS

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

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

305.6 DOCUMENTATION

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

305.6.1 REPORTS

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

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

305.6.2 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).

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- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any deputies sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

305.7 MEDICAL TREATMENT

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

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

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

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

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

305.8 SUPERVISOR RESPONSIBILITIES

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

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

305.9 TRAINING

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

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

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

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

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

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

The Training Sergeant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.

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- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

Officer-Involved Shootings and Deaths

306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of a deputy.

In other incidents not covered by this policy, the Sheriff may decide that the investigation will follow the process provided in this policy.

306.2 POLICY

The policy of the Kings County Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

306.3 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.

306.4 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:

(a) **KINGS COUNTY SHERIFF'S OFFICE DEPUTY WITHIN THIS JURISDICTION**

1. The Kings 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 will be conducted by the Kings County Sheriff's Office.

(b) **ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION**

1. The Kings County Sheriff's Office is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the Kings County Sheriff's Office. The officer's employing agency will be responsible for any administrative investigation(s).

(c) **KINGS COUNTY SHERIFF'S OFFICE DEPUTY IN ANOTHER JURISDICTION**

1. 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 suspects(s) to another agency. The Kings County Sheriff's will conduct administrative investigations.

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306.5 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

306.5.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Kings County Sheriff's Office would control the investigation if the suspect's crime occurred in Kings County.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff and with concurrence from the other agency.

306.5.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the employing agency's protocol. When a deputy from this office is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this office to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or the authorized designee for approval.

306.5.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

306.6 INVESTIGATION PROCESS

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

306.6.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved KCSO deputy will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Office or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.

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- (f) Brief the supervisor upon arrival.

306.6.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved KCSO supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any KCSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Watch Commander and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional KCSO members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved KCSO deputy should be given an administrative order not to discuss the incident with other involved officers or KCSO members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

306.6.3 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Sheriff or a Division Commander.

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

306.6.4 NOTIFICATIONS

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

- Sheriff

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- Investigation Division Commander
- OIS Team rollout team
- Outside agency investigator (if appropriate)
- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

306.6.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved KCSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 2. Requests from involved non-KCSO officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Office to each involved KCSO deputy. A licensed psychotherapist may also be provided to any other affected KCSO members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved deputy and a peer support member are addressed in the Wellness Program Policy.

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

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

306.6.6 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. In the event the death was use of force by a deputy or an unarmed person the notification process outlined in DOJ Bulletin 2021-DLE-03 will be followed, with official notification to DOJ coming from the on call or Division Commander.

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

306.7 CRIMINAL INVESTIGATION

The Kings County Sheriff's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, and at the Sheriff's discretion, investigative personnel from this office may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews.

The following shall be considered for the involved officer:

- (a) KCSO supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of KCSO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

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306.7.1 REPORTS BY INVOLVED KCSO DEPUTIES

In the event that suspects remain outstanding or subject to prosecution for related offenses, this office shall retain the authority to require involved KCSO 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 KCSO deputy may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved KCSO 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 or death.

306.7.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death 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) Identification of 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 a member of the Office.
 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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- (c) Promptly contacting 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 the incident.

306.7.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

306.8 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this office will conduct an internal administrative investigation of KCSO deputies to determine conformance with office policy. The investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to office policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. 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.
 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/her prior statement before proceeding with any subsequent interviews.
- (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. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not

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consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview (Government Code § 3303(g)).
4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

306.9 CIVIL LIABILITY RESPONSE

A member of this office may be assigned to work exclusively under the direction of the legal counsel for the 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.

306.10 DEBRIEFING

Following an officer-involved shooting or death, the Kings County Sheriff's Office should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

306.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing shall only include those members of the Office directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn personnel).

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Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Office, including supervisory and Internal Affairs Unit personnel.

306.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

306.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.

The Office shall not subject any involved KCSO deputy to visits by the media (Government Code § 3303(e)). No involved KCSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or a Division Commander. Office members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

306.12 REPORTING

If the death of an individual occurs in the Kings County Sheriff's Office jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Patrol Division Commander will ensure that the Records Manager is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

Firearms

307.1 PURPOSE AND SCOPE

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

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

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

307.2 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

All other weapons not provided by the Office, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

307.2.1 HANDGUNS

The authorized department-issued handguns are the Glock Model 22, 23 and 27 in .40 caliber and the Glock Model 45 in 9mm.

307.2.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870 . The following additional shotguns are approved for on-duty use: Benelli Shotgun.

MAKE	MODEL	CALIBER

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

307.2.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15 and M-4 .

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

- (a) Situations where the member reasonably anticipates an armed encounter.

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

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer and the selector lever in the fire position (selector lever cannot be in the safe position with the hammer released).

307.2.4 PERSONALLY OWNED DUTY FIREARMS

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

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

307.2.5 AMMUNITION

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

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

307.3 EQUIPMENT

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

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307.3.1 REPAIRS OR MODIFICATIONS

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

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

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

307.3.2 HOLSTERS

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

307.3.3 TACTICAL LIGHTS

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

307.3.4 OPTICS OR LASER SIGHTS

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

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

307.4 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.

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- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

307.4.1 INSPECTION AND STORAGE

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

Personally owned firearms may be safely stored in lockers at the end of the shift. Office-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

307.4.2 STORAGE AT HOME

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

307.4.3 ALCOHOL AND DRUGS

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

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307.4.4 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Deputies are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

307.5 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

307.5.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

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

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

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

307.6 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional

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statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

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

307.6.1 DESTRUCTION OF ANIMALS

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

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

307.6.2 INJURED ANIMALS

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

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

307.6.3 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 member reasonably believes that they appear necessary, effective and reasonably safe.

307.7 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members

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attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Rangemaster has the authority to deem any office-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

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

The Rangemaster shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Office, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

307.7.1 REPAIR OR MODIFICATION OF DUTY WEAPONS

The Rangemaster shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a department approved gunsmith.

Any repairs or modifications to the deputy's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster.

307.8 FLYING WHILE ARMED

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

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their Kings County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry

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the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

- (c) The Kings 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 Kings County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

307.9 CARRYING FIREARMS OUT OF STATE

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

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

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property,

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installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

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

307.10 PURCHASING OF COUNTY ISSUED FIREARM

Any peace officer as defined in Chapter 4.5 (commencing with section 830) of title 3 of part 2 of the Penal Code, employed by the Kings County Sheriff's Office for a period of more than 120 months who has been duly retired through a service retirement or a peace officer retiring from a job-incurred disability not related to a mental or emotional disorder and who has been granted the legal right to carry a concealed firearm pursuant to Article 2 (commencing with section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code may be authorized by the Sheriff to purchase his or her county-issued handgun. Disability retired peace officers need not meet the 120-month employment requirement. The cost of the handgun shall be the fair market value as listed in the annual Blue Book of Gun Values or replacement cost, whichever is less, of the handgun issued as determined by the appointing power, plus a charge for the cost of handling. The retiring peace officer shall request to purchase his or her handgun in writing to the Sheriff or his or her designee within 30 days calendar days of his or her retirement.

(a), any peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code employed by the Kings County Sheriff's Office who is authorized to carry firearms may purchase his or her county-issued service firearm if the Sheriff directs the Office to change its county-issued service weapon system. The cost of the service firearm shall be the fair market value as listed in the annual Blue Book of Gun Values or replacement costs, whichever is less, of the firearm issued as determined by the Sheriff, plus a charge for the cost of handling. The requesting peace officer shall request to purchase his or her firearm in writing to the Sheriff or his or her designee within 10 calendar days of receiving the new county-issued weapon.

(b), the spouse or domestic partner of a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who was employed by the Kings County Sheriff's Office and who died in the line of duty, may be authorized by his or her spouse's or domestic partner's Sheriff to purchase his or her county-issued handgun. The cost of the handgun shall be the fair market value of the handgun as listed in the annual Blue Book of Gun Values or replacement costs, whichever is less, as determined by the Sheriff, plus a charge for the cost of handling. The spouse or domestic partner shall request to purchase the handgun in writing to the Sheriff or his or her designee within 30 calendar days of his or her spouse's or domestic partner's death. A sale of a firearm pursuant to this subdivision shall be made pursuant to Chapter 5(commencing with Section 28050) of Division 6 of Title 4 of Part 6 of the Penal Code, as required by Section 27545 of the Penal Code.

Emergency Vehicle Operation

308.1 PURPOSE AND SCOPE

To establish guidelines to allow deputies to respond to field situations in a timely, safe manner, while complying with the requirements set forth in the California Vehicle Code for emergency vehicle operation.

SUMMARY

The use of "Code 3" procedure in responding to a field situation is a discretionary matter that requires careful consideration of several factors. In determining whether to use "Code 3", the deputy must consider safety (Deputy's and general public's), road, weather, traffic, vehicle condition and the severity of the situation. If the decision is made to drive "Code 3", the officer must accept full responsibility for the decision and the applicable sections of the California Vehicle Code must be complied with at all times.

Deputies must also remember that the use of a blue/red light and siren will not decrease response time significantly, but will increase traffic dangers. Deputies are to use "Code 3" as a tool to clear traffic, not to use excessive speed. Do not rely on the blue/red light and siren to protect you or others from injury or damages.

308.2 APPLICABLE VEHICLE CODE SECTIONS

A. 165 CVC

Defines an authorized emergency vehicle to include all police vehicles.

B. 21055 CVC

Provides that the driver of an authorized emergency vehicles is exempt from Division 11, Chapters 2 through 10 of the Vehicle Code (these include general driving rules such as speed, right-of-way, passing, stopping, etc.) provided:

1. The vehicle is being driven in response to an emergency call, or while engaged in rescue operations, or is being used in the immediate pursuit of an actual or suspected violator of the law and...
2. The driver of the vehicle sounds a siren as may be reasonably necessary, and the vehicle displays a blue/red lamp, visible from the front, and a warning to other drivers and pedestrians.

C. 21056 CVC

Provides that the exemption in Section 21055 CVC does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway.

D. 17004 CVC

Provides that an officer is not liable for civil damages on account of personal injury to, or death of any person, or damage to property, resulting from the operation, in the line of duty, of an authorized emergency vehicle provided both blue/red light and siren are used.

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308.3 DEFINITIONS OF RESPONSE CODES

"Code 3" (Emergency Response)

- A. This response may be made whenever there exists a serious danger to human life.
- B. This response may be designated by a supervisor, or requested by a field unit.
- C. The requirements set forth in Sections 21055 CVC, relating to the use of blue/red light and siren, must be followed.
- D. Deputies shall respond to "Code 3" calls immediately and shall drive with due regard for the safety of all persons using the highway.

308.4 11-99 OFFICER / DEPUTY NEEDS ASSISTANCE

A call for 11-99 should be requested and broadcast only when a deputy is in immediate danger and backup assistance is needed immediately.

Upon receiving an 11-99 call, field units shall use sound discretion in responding. A deputy must consider:

- A. The distance to the 11-99 location.
- B. Traffic and pedestrian congestion.
- C. Time of day and weather conditions.

Only units within a reasonable distance, considering the above factors, should respond to an 11-99 location "Code 3". Units that are excessive distances from the 11-99, should respond while obeying traffic laws in the event additional units are needed. While en route, deputies should exercise extreme caution, as emotions run very high on this type of call. This, coupled with the fact that other units are also running "Code 3" and cannot hear another siren, make this type of driving extremely hazardous.

308.5 RADIO PROCEDURES

Supervisory personnel and/or a field unit will have the responsibility of assigning units to "Code 3" calls.

- A. When a unit receives or requests a "Code 3" assignment, the deputy will respond by giving the location from which the unit is responding and advising they are "Code 3".
- B. If a field unit decides to use "Code 3" not assigned by supervisory personnel or dispatch, the deputy will immediately notify Central Dispatch of the nature of the situation en route (to hospital, pursuit, etc.), the location where the "Code 3" started and the destination if known.

308.6 "CODE 3" ESCORTS

- A. Ambulances: The policy of this Department is not to give a "Code 3" escort to ambulances, except when authorized by a supervisor.
- B. Private Vehicles: There may be an occasion in which a private person will request a "Code 3" escort, generally because a sick person is in the private vehicle. If it appears that the sick or

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injured person is in danger of dying, a "Code 3" escort may take place only after it is determined that ambulance service is not practical and the sick or injured person cannot be moved or placed in the Sheriff's vehicle for transportation.

C. Other Emergency Vehicles: The Sheriff's Department may be called upon to escort emergency cargo such as blood or other life saving equipment. These escort assignments will be cleared by supervisor personnel before escorts are made.

Vehicle Pursuits

309.1 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 department 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.

309.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized sheriff's office emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

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

Pursuit Intervention - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

Pursuit Intervention Technique (PIT) - A low-speed tactic intentionally applied to cause the suspect vehicle to spin out and terminate the pursuit.

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

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

Tire deflation device - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Trail - Following 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 vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit

Vehicle Pursuit - 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.

309.2 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized sheriff's office emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Deputies are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

309.2.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when the deputy reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that should be considered in deciding whether to initiate a pursuit include:

- (a) The 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) The 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 (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

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- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked sheriff's office vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and deputy vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

309.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated 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 this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle 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) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the deputies, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

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309.2.3 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 should 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 should 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.

309.3 PURSUIT UNITS

When involved in a pursuit, unmarked sheriff's 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 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.

309.3.1 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.

309.3.2 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.

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- (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.

309.3.3 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.

309.3.4 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to initiate and/or terminate a pursuit. 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 regard and caution when proceeding through controlled intersections.

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- (c) As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Request other units to observe exits available to the suspects.
- (d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its 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 and with a clear understanding of the maneuver process between the involved units.

309.3.5 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.

309.3.6 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.

309.3.7 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.

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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.

309.4 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

- (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.
- (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 office.
- (j) Controlling and managing Kings 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.

309.4.1 WATCH COMMANDER RESPONSIBILITIES

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. Once notified, the Watch Commander has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Division Commander.

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309.5 COMMUNICATIONS

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

309.5.1 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 practicable.
- (c) Ensure that a field supervisor is notified of the pursuit.
- (d) Assign an incident number and log all pursuit activities.
- (e) Broadcast pursuit updates as well as other pertinent information as necessary.
- (f) Notify the Watch Commander as soon as practicable.

309.5.2 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.

309.6 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.

309.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Deputies will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Kings County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. 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.

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309.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

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

309.7 PURSUIT INTERVENTION

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

309.7.1 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

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deputy at the time of the decision. Because of the potential risks involved, these techniques should only be employed by deputies who have received training in such tactics.

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

309.7.2 USE OF FIREARMS

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 threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

309.7.3 INTERVENTION STANDARDS

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

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

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

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5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

309.7.4 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 accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing 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 for setting up perimeters or for containing and capturing the suspects.

309.8 REPORTING REQUIREMENTS

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

- (a) The primary deputy should complete appropriate crime/arrest reports.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary deputy should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Sheriff or the authorized designee. This log or memorandum should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and deputies.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at scene or who handled the incident.

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- (d) After receiving copies of reports, logs, and other pertinent information, the Sheriff or the authorized designee should conduct or assign the completion of a post-pursuit review.

Annually, the Sheriff should direct a documented review and analysis of office vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs.

309.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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

309.8.2 POLICY REVIEW

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

309.9 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.

309.10 POLICY

It is the policy of this office to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

Deputy Response to Calls

310.1 PURPOSE AND SCOPE

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

310.2 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.

310.3 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

310.3.1 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).

310.4 INITIATING CODE 3 RESPONSE

If a deputy believes a Code-3 response to any call is appropriate, the deputy shall immediately notify Dispatch. Generally, only one or two units should respond Code-3 to any situation. Should another deputy believe a Code-3 response is appropriate, Dispatch 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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310.5 RESPONSIBILITIES OF RESPONDING DEPUTIES

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

The decision to continue a Code-3 response 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.

310.6 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

310.7 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

310.8 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 Watch Commander, field supervisor, or the Dispatch Center of the equipment failure so that another unit may be assigned to the emergency response.

Canines

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

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

311.3 ASSIGNMENT

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

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Watch Commander.

311.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the canine Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

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

311.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from office units outside of the Patrol Division shall be reviewed by the Watch Commander.

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311.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

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

311.5.2 PUBLIC DEMONSTRATION

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

311.6 APPREHENSION GUIDELINES

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

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.
- (b) The suspect 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 suspect is 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. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to deputies, the canine or the public, such canine use should

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be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

311.6.1 PREPARATION FOR DEPLOYMENT

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

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

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

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

311.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

311.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

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

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

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

311.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

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- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

311.7.1 ARTICLE DETECTION

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

311.7.2 NARCOTICS DETECTION

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

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

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

311.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) A deputy who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (c) Living within 30 minutes travel time from the Kings County County limits.
- (d) Agreeing to be assigned to the position for a minimum of three years.

311.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

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- (d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (e) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (f) 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.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.
- (h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander

311.9.1 CANINE IN PUBLIC AREAS

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

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

311.10 HANDLER COMPENSATION

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

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

311.11 CANINE INJURY AND MEDICAL CARE

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

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

311.12 TRAINING

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

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also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

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

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

311.12.1 CONTINUED TRAINING

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

- (a) Canine teams should receive training as defined in the current contract with the Kings County Sheriff's Office canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Office.

311.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

311.12.3 TRAINING RECORDS

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

311.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Kings County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

311.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(g)).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Kings County Sheriff's Office to be possessed by the member

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or a narcotics-detection canine trainer who is working under the direction of this office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

311.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this office.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine 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 Property and Evidence Section or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

311.12.7 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)).

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312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

312.1.1 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.

312.2 POLICY

The Kings County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

312.3 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.

312.4 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.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

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- (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. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. 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 marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

312.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

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- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

312.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

312.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, deputies should be aware that a victim's behavior and actions may be affected:

- (a) Victims should be provided with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complaints of pain, deputies should seek medical assistance as soon as practicable.
- (e) Deputies should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the deputy determines that a need exists.
- (f) Deputies should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, deputies should seek or assist the victim in obtaining an emergency order if appropriate.

A deputy shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

312.6 DISPATCH ASSISTANCE

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

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Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

312.7 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).

312.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the deputy shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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.

312.9 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

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- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
 - 1. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 - 4. Penal Code § 646.9 (stalking)
 - 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, deputies should generally be reluctant to make dual arrests. Deputies shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, a deputy shall consider:
 - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
 - 2. The threats creating fear of physical injury.
 - 3. The history of domestic violence between the persons involved.
 - 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).

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312.10 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)).

312.11 RECORD-KEEPING AND DATA COLLECTION

This office shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Office, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

312.12 SERVICE OF COURT ORDERS

- (a) A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by a deputy who is present at the scene of a reported domestic violence incident or when the deputy receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- (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).

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1. A deputy should ensure that the Records Center is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Center Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

312.13 PUBLIC ACCESS TO POLICY

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

312.14 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).

312.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

This office should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).

Admonition of Constitutional Rights "Miranda Advisement"

313.1 PURPOSE AND SCOPE

PURPOSE

The purpose of this regulation is to establish a uniform system for advising a suspect or an arrested person of his/her constitutional rights.

ADMONITION OF CONSTITUTIONAL RIGHTS

- A. The right to remain silent.
- B. Warned that anything he/she says can and will be used against him/her in court.
- C. The right to be represented by an attorney of his/her own choosing; or if unable to afford an attorney, one will be appointed prior to any questioning.

313.2 WHEN ADMONITION SHOULD BE MADE-JUVENILES AND ADULTS

- (a) The Miranda Advisement pertaining to juveniles is governed by the Welfare and Institutions Code Section 625.
- (b) All adults (18 or over) who are under arrest (custody), must be advised of their constitutional rights before questioning by a deputy (interrogation).
- (c) Two pronged theory = custody and interrogation before a Miranda Advisement becomes necessary
- (d) The warning need not be given under the following circumstances:
 - (a) When a person is stopped under suspicious circumstances (stop & frisk) no warning need be given unless and until the deputy has developed probable cause to arrest.
 - (b) Traffic citations.
 - (c) Statements made over the telephone.
 - (d) Persons who volunteer statements; e.g., when a person states that he wishes to confess a crime. In this situation, an admonishment need only be given if the deputy asks a question to bring further details or encourages the person in any way to continue talking.
 - (e) When the deputy is engaged in "general on-the-scene" questioning, as to facts surrounding a crime or other general questioning of citizens in the fact-finding process, when the crime does not focus on particular subjects.
 - (f) If the deputy has no intention of interrogating a person in custody, he should not be admonished. For example: If, following an arrest, the deputy feels that interrogation would serve no purpose at such time, he should not admonish the subject. A follow-up investigator can then admonish the subject and interrogate

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him. If, however, the arrestee expresses a desire to speak, he should certainly be admonished and be permitted to speak.

313.3 FURTHER GENERAL ADMONITION GUIDELINES

- (a) 1. A felony suspect in custody should not be warned of his rights, and a waiver solicited, unless an interrogation is to follow immediately or in the very near future. Conversely, if a suspect is given a warning and a waiver is obtained, he should be interrogated immediately or in the very near future. All too often arrest reports indicate that a suspect was advised of his rights and a waiver obtained and no interrogation followed. In some cases, a warning is given and no waiver is solicited. In such cases the deputy who gave the admonishment has engaged in an idle act.
2. Where the suspect appears likely to waive his rights and talk about the case, questioning should begin as soon as possible. Compliance with admonishment rules, must, of course, precede the interrogation.
3. Questioning should be deferred, together with warning of constitutional rights, when the arresting deputy is unfamiliar with the case. For example, it often happens that a deputy making an arrest upon a warrant, or pursuant to instructions, will be unfamiliar with the case.

313.4 RECOMMENDED PROCEDURE FOR OBTAINING WAIVER

- (a) (a) Advise the questioned person verbally of his rights by reading him the admonition. In addition, obtain an explicit waiver that the suspect understood the rights he was read, as well as an explicit waiver that the suspect is willing to speak about the crime. The following is the recommended procedure for obtaining a waiver of rights:
 - (a) Do you understand each of these rights that I have explained to you?
 - (b) Having these rights in mind, and understanding your rights, are you willing to talk with us?
- (b) The answers to questions "A" and "B" will be recorded on the Arrest Report. Write the exact words the suspect used when answering the above questions; i.e., if the answer to question "A" above, was "Yeah, sure I do," put it down exactly as he said it.

313.5 WHEN A WAIVER IS NOT RECEIVED

- (a) 1. Once the admonition has been given and the individual indicates in any manner, prior to or during questioning, that he wishes to remain silent, the interrogator must be clear if the individual is requesting an attorney or merely not wanting to speak to a specific topic or question. If the individual states that he wants an attorney, the interrogation must cease until an attorney is present. Any words or conduct which indicates that the suspect is not willing to discuss his case freely with the deputy at any given time, requires that the questioning be terminated. However, merely refusing to answer certain questions does not imply that the

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person is invoking his right not to talk to the deputy and the questioning need not cease at that time.

2. Juveniles. If a juvenile makes a request to see an attorney, one of his parents, a guardian, or anyone else of his choosing, at any time prior to or during questioning, the interrogation must cease until he is given an opportunity to see his attorney, parent, guardian or other person of his choosing.
3. If, after once asserting his Fifth Amendment right not to talk to deputies, the person changes his mind without any inducement by law enforcement personnel, he should then be re-admonished, and allowed to talk.
4. When an individual has been appointed or retained a lawyer to represent them, their lawyer must give his consent prior to any questioning.

Search and Seizure

314.1 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 Kings County Sheriff's Office personnel to consider when dealing with search and seizure issues.

314.2 POLICY

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

The Department 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.

314.3 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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Search and Seizure

314.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department 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.

314.5 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.

Consensual Encounter Contact / Detention & Search

315.1 PURPOSE AND SCOPE

To establish a uniform policy for consensual encounter, detentions and searches of suspects that is consistent with the law, safe effective police work and a good relationship with the community.

315.2 CONTACTS, CONSENSUAL ENCOUNTER, DETENTION OR ARREST

When you deal with a member of the public, the law will classify it as either a "contact" (also known as a "consensual encounter"), a "detention" or an "arrest". A "contact" or "consensual encounter" is the least intrusive of these.

A. The key element to a "contact" or "consensual encounter" is that the person remains totally free to leave or not to cooperate with you. You must not restrain the person or exert any authority over him.

B. Deputies are encouraged to initiate contact with individuals in the community in order to gain a more thorough knowledge of their beats and the community.

C. Contacts are different from detentions or arrests in that they do not involve the "seizure" of persons within the meaning of the Fourth Amendment. The deputy does not need "reasonable suspicion", "probable cause" or any other specific indication of criminal activity in order to initiate a contact.

D. A deputy may feel the need to investigate the activities of a person when he does not possess sufficient information to allow him to make a stop or an arrest. In such a case, the deputy may initiate a contact with the person in any place that the deputy has a right to be.

E. Unless a deputy concludes that an arrest should be made or that a stop is justifiable and appropriate, communications with a person should begin with a contact.

F. Although no legal cause need be present for a deputy to initiate a "contact", the person may not be halted, detained or frisked against his will unless the deputy can state the "specific facts" he developed within the contact to require the above mentioned action.

He may not be required to answer questions or cooperate in any way if he does not wish to do so. If he refused to cooperate, he must be permitted to go on his way, unless the deputy has developed probable cause to stop or arrest. If appropriate under the circumstances, however, the person may be kept under surveillance. Since a contact is not a stop or an arrest and those persons contacted may be innocent of wrongdoing of any kind, deputies should take special care to act in a restrained and courteous manner as possible.

315.3 CONTACTS WITH SUSPECT PERSONS

A. When you are dealing with a suspect, it is more difficult but still possible to convince a court that there was only a contact, that the person was truly free to leave.

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B. Merely approaching someone is not a "detention". Neither is, without more, calling out "Hold it", inquiring about identity or requesting identification, shining your spotlight on someone and asking him to remove his hands from his pockets or merely asking if the person will step to the side and talk to you.

C. A deputy may approach an individual in a public place, identify himself as a law enforcement officer and, in a non-coercive manner, ask the individual a few questions without converting the encounter into a seizure, ("detention").

D. If you start exerting authority over the person (by giving orders, demanding answers, activating your red and blue lights, displaying a weapon, using harsh tone, etc.), your contact may turn into a "detention" and a "detention" requires "reasonable suspicion" to be valid.

E. Always ask for the person's cooperation, don't demand it. Even though you don't have to, it's usually a good idea to actually tell the person what his status is.

F. Although you have no power to conduct any kind of frisk or other search during a consensual encounter, remember that any contraband you see in plain view may be seized or provide probable cause for arrest.

315.4 DETENTIONS (STOPS)

A. A temporary "detention" or "stop" is an exertion of authority that is something less than a full-blown arrest but more substantial than a simple "contact" or "consensual encounter". A detention occurs whenever a reasonable person would believe he is not free to leave or whenever a deputy stops an individual because he suspects that person may be involved in criminal activity.

B. In order for an investigative stop or detention to be valid, you must have a "reasonable suspicion" that:

1. Something relating to a crime has just happened (or is happening or is about to happen) and
2. The person you are about to detain is connected with that activity.

You must have specific facts which you can articulate to a court, the court will then decide if the facts, together with your training and experience, were enough to make your suspicion objectively reasonable.

C. In deciding whether your suspicion was reasonable, the court will look at all the factors, the totality of the circumstances. But some facts will get more weight than others.

1. Nighttime/High Crime Area. California cases have given little importance to nighttime or high crime areas. This may still be considered with other factors.
2. Race. May be considered if part of a description.
3. Flight. California cases have made it clear that flight alone is not enough to justify a detention. You need other objective factors, i.e., suspicious activity, high crime or drug area, past contacts, etc.

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4. Your Experience and Training. This can be crucial in explaining why something appeared suspicious to you that might have appeared more innocent to someone else.

5. Drug Courier Profile. Courts have ruled, generally, that such a profile will not automatically justify a detention because, by itself, it does not rise to the level of reasonable suspicion.

6. Information From Others. You can detain, based upon information you obtain from an eyewitness, victim, fellow deputy, dispatchers or, if accurate, other official channels, because the law considers such persons or sources to be automatically reliable.

D. Every deputy who conducts a stop, as opposed to a contact, must be prepared to cite those specific factors which led him to believe that the stop was justified.

E. Proper justification for a stop does not permit unreasonable conduct during the stop. All police activity during a stop must be done in a reasonable manner and every phase of a stop will be considered by the courts in determining whether the stop was reasonable and therefore, lawful.

F. Deputies shall act with as much restraint and courtesy towards the person stopped as is possible, under the circumstances. A plain clothes deputy making the stop, shall identify himself as a law enforcement officer as soon as practical, after making the stop. At some point during the stop, the deputy shall, in every case, give the person stopped explanation of the purpose of the stop.

G. Once you have stopped or detained the suspect, you may take whatever investigative actions are reasonable under the circumstances. Common techniques include:

1. Questioning about identity and conduct.
2. Contacting other persons to confirm the explanation, verify identification or determine if wanted.
3. Check premises, examine objects or contact neighbors or other individuals to determine if a crime actually occurred.
4. Bring the victim to the suspect, in-field show up.

Concerning identification, you have the authority to determine who you are dealing with during a detention but again, it is smart to use

the least intrusive means possible. Normally, a driver's license or name that can be verified will suffice.

H. In general, you should avoid using physical restraints such as handcuffs or guns during a detention whenever possible. These indications of custody may cause a court to view the detention as an arrest. You may use whatever precautions are necessary for your safety under the circumstances. However, the shorter the time period, the better.

I. Never move a suspect during a detention, unless it is truly necessary. You may move the suspect a short distance for your safety. Requiring the suspect to accompany you to another location or interrogation room without a valid consent or compelling reason, may well turn your detention into an unreasonable arrest.

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J. A detention may last no longer than is necessary. A detention which is legal at the beginning, will become invalid if you extend it beyond what is reasonably necessary under the circumstances.

1. Increased Suspicion. What you see and hear after the initial detention, will increase your suspicion and justify a longer detention or possibly even an arrest. (Evasiveness, nervousness, conduct, property).

2. Decreased Suspicion. If the suspect answers all questions about the suspicious circumstances satisfactorily, so that your suspicion decreases or disappears, you must let him go.

K. Extending a detention to fill out a FI card may or may not be reasonable. Generally speaking, if there is something specific which might connect the person to a crime, filling out an FI card will be proper.

L. Generally, you do not need to give Miranda warning to someone you have detained on:

1. Reasonable suspicion.
2. For a cite and release offense.
3. For investigative questioning at the scene of a crime.

Miranda should only be given if you are questioning for a crime that you believe the person committed and they are not free to leave. However, there are some situations where Miranda warnings should be given.

1. The detention turns into an arrest.
2. You extend the detention beyond a reasonable amount of time.
3. You develop probable cause to arrest.
4. Where the amount of force is arrest-like.

A detainee must be Mirandized prior to questioning where the force being used to detain him would make a reasonable person believe his freedom has been restricted to a degree associated with a formal arrest.

315.5 SEARCH PROCEDURE (FRISK)

A. If the person is carrying an object immediately separable from his person it may be taken from him. The deputy should not look inside the object without consent and place it in a secure location out of the person's reach.

1. If the outer clothing is too bulky to allow the deputy to locate any weapon or dangerous object, the deputy may remove

the bulky outer clothing, or open it so a pat-down may be conducted of the inner clothing.

2. If the deputy has reasonable cause, based on reliable information or his observations, that a weapon may be located in a specific location, the deputy may search that location directly even

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though this may be inside a pocket, sleeve, or waistband. The deputy must be able to cite the information he had to come to that belief.

B. When a pat-down search is conducted on a suspect, and any property is taken as evidence, this property shall be placed into evidence as per policy (see section of Policy and Procedure dealing with evidence). No property will be seized from any suspect without documentation. If any illegal weapons or contraband are

located on the person of the suspect an arrest or criminal complaint should be sought.

315.6 INFORMING THE SUSPECT OF THEIR STATUS

If at all practical, tell the suspect that he is not under arrest. Tell him that he is being detained in order to clear up the problem.

Temporary Custody of Juveniles

316.1 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 Kings 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.

316.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this office performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

316.2 POLICY

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

316.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Kings 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 Kings 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).

316.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Office members should administer first aid as applicable (15 CCR 1142).

316.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Office members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

316.4 CUSTODY OF JUVENILES

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

316.4.1 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 Kings 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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316.4.2 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).

316.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Kings County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Office.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating deputy or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the deputy should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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316.5 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).

316.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Office, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Kings County Sheriff's Office (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

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316.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Kings 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).

316.8 TEMPORARY CUSTODY REQUIREMENTS

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

- (a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Kings County Sheriff's Office more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Kings County Sheriff's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

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- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

316.9 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 Kings 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).

316.10 PERSONAL PROPERTY

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

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316.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Members of this office shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

316.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to office members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

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- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

316.12 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 Kings 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 Division 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.

316.13 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 (Welfare and Institutions Code § 625.6).

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Threats, physical harm, deception, or psychologically manipulative interrogation tactics shall not be used by a deputy during a custodial interrogation of a juvenile (Welfare and Institutions Code § 625.7).

The requirements to consult with legal counsel or to refrain from the use of prohibited interrogation techniques do not apply when (Welfare and Institutions Code § 625.6; Welfare and Institutions Code § 625.7):

- (a) Information is necessary to protect life or property from an imminent threat.
 - 1. The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

316.13.1 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 office facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

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316.14 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

316.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this office shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

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.

316.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Patrol Division Commander shall coordinate the procedures related to the custody of juveniles held at the Kings County Sheriff's Office and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

316.17 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

316.18 TRAINING

Office members should be trained on and familiar with this policy and any supplemental procedures.

Medical Examination of Victims / Suspects

317.1 PURPOSE AND SCOPE

This instruction establishes a uniform procedure to be used in the examination of sexual assault victims and/or suspects of violent crimes, and the collection of physical evidence.

317.2 VICTIMS AND SUSPECTS TO BE EXAMINED

All victims and suspects of sex crimes cases should be examined as legally allowed, if the nature of the case indicates that evidence may be present.

- (a) 1. Evidence, such as semen, may be found up to 72 hours after the incident.
2. It is not necessary for the suspect to ejaculate for evidence to be present.
3. A suspect taken into custody after committing a rape or sodomy shall be examined.
4. If a victim and suspect involved in the same incident are to be examined within the same time frame, they are to be taken to the same hospital facility, but kept isolated from one another.
5. All suspects arrested for suspicion of a homicide will be examined at the hospital, as necessary for physical injury and have a blood sample drawn. Any emergency treatment facility may be used for this purpose.
6. Responsibility for the medical examination of a homicide suspect will lie with the detective assigned to the case unless the medical needs of the suspect require immediate attentions

Victims having injuries necessitating emergency medical treatment.

- (a) 1. It is the responsibility of the preliminary reporting deputy to determine whether the victim of an alleged sex crime should receive medical attention at a hospital.
2. Those victims who are injured to the extent that immediate medical attention is necessary, shall be taken to the nearest emergency treatment facility.
3. The deputy shall request that an examination for evidence be conducted at this facility following medical treatment.

Uninjured Victims

- (a) Victims not requiring medical attention are to be taken to an emergency treatment facility with a medical doctor on duty.
 1. The transporting deputy shall notify Central Dispatch, via, radio, that he is en route tot he hospital with the subject for a special examination. (VICTIMS AND SUSPECTS SHALL NOT BE REFERRED TO AS "RAPE VICTIM, HOMICIDE SUSPECT ETC.)
 2. Upon arrival at the hospital, the victim/suspect shall be taken to the room designated as the "Examination Room."

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Medical Examination of Victims / Suspects

3. Deputies of the opposite sex are not to remain in the examination room during the examination.
4. Hospital staff have been trained in the examination and collection of evidence process, and all necessary materials and containers have been provided to them. Upon completion of the examination, the examining physician, or registered nurse, will mark and seal the evidence container and give it to the detective. THE DETECTIVE WILL SIGN AND DATE the sexual assault kit as indicated on the front and transport them to the Sheriff's Department PROPERTY ROOM.
5. The victim/suspect will be transported home or to the Sheriff's Office, as appropriate, by the initial reporting deputy. VICTIMS ARE NOT TO BE LEFT "STRANDED" AT THE HOSPITAL.
6. All examinations of victims/suspects will be conducted pursuant to a contractual agreement between the Sheriff's Department and the hospital, and there will be no charge to the patient. The deputy should make the victim aware of that. This contract does not provide for treatment of injuries, and payment for any such services will be the responsibility of the patient.
7. It is the transporting deputy's responsibility to sign a county medical treatment authorization form and leave it with the emergency treatment facility.

317.3 CHILD SEXUAL AND PHYSICAL ABUSE VICTIMS

Child Sexual and Physical Abuse Victims.

- (a)
 1. Children requiring immediate medical attention, shall be taken to the nearest emergency treatment center for treatment.
 2. The transporting or assigned Deputy shall seize any evidence and photograph any injuries sustained by the child.
 3. In all cases where it is suspected that a child has been physically or sexually abused, the child shall be medically examined in the following manner. In all cases parental/guardian consent for a medical examination shall be secured.
 4. Physical abuse: A general physical exam shall be conducted at a local emergency treatment center to include photographs and a documented medical assessment.
 5. Sexual abuse: A S.A.R.T. (Sexual Assault Response Team) medical exam shall be scheduled in the following manner.
 - (a) If the assault occurred within 72 hours it shall be deemed Acute and be scheduled immediately at the appropriate medical facility.
 - (b) If the sexual assault occurred beyond 72 hours it shall be deemed chronic and be scheduled at the appropriate medical facility. This type of exam can be conducted at the convenience of the victim as time permits. This exam should be scheduled in a timely manner so as to ensure the forward progress of the case.

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Medical Examination of Victims / Suspects

The following terms are typically used in the investigation of child sexual abuse investigations.

Acute sexual abuse or assault occurring 0- 72 hours

Chronic Sexual abuse or assault reported late or after 72 hours has elapsed

S.A.R.T. Sexual Assault Response Team

317.4 EVIDENCE OBTAINED BY THE REPORTING DEPUTY/OTHER TESTS ADMINISTERED AT THE HOSPITAL

EVIDENCE OBTAINED BY THE REPORTING DEPUTY

- (a) 1. All clothing worn by the suspect, at the time of the offense, shall be collected.
2. Clothing worn by the victim, that may be contaminated or contain evidence, shall be collected.
3. If the victim's clothing is to be collected as evidence, the deputy shall have him/her take a change of clothing to the hospital.
4. Victim and suspect clothing must be stored in separate paper bags. Do not store in plastic bags.
5. Evidence that cannot be obtained by the reporting deputy must be protected until the assigned detective determines if it is relevant to the case.

OTHER TEST ADMINISTERED AT THE HOSPITAL

A suspect who is taken into custody shortly after a sex offense, who appears to be under the influence of an alcoholic beverage or drug, should be taken immediately to any emergency treatment for a blood sample to be drawn, or have it drawn at the jail by a technician.

Senior and Disability Victimization

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Kings County Sheriff's Office members as required by law (Penal Code § 368.6).

The Kings County Sheriff's Office is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

318.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

Office protocols (or protocols) - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Senior and disability victimization - Means any of the following (Penal Code § 368.6):

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability

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- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

318.2 POLICY

The Kings County Sheriff's Office will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

318.2.1 ADHERENCE TO POLICY

All deputies are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves a deputy's deviation from this policy shall provide a written report to the Sheriff that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to office protocols (Penal Code § 368.6(c)(27)).

The Sheriff shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

318.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.

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- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c) (18)).

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318.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

318.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- (c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
 - 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).
 - 2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

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- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

318.5 MANDATORY NOTIFICATION

Members of the Kings County Sheriff's Office shall notify the local office of the California Department of Social Services (CDSS) APS agency of known, suspected, or alleged instances of abuse when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone or through a confidential internet reporting tool as soon as practicable. If notification is made by telephone, a written report shall be sent or internet report shall be made through the confidential internet reporting tool within two working days, as provided in Welfare and Institutions Code § 15630(b).

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

- (a) If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
 - 3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.
- (b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (e) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (f) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (g) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department

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of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Office, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (h) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (i) When the Office receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

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).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

Failure to report or impeding or inhibiting a report of abuse of an elder or dependent adult is a misdemeanor (Welfare and Institutions Code §15630(h)).

318.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

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318.6 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to APS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

318.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which a deputy reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

318.6.2 VERIFICATION OF PROTECTIVE ORDER

Whenever a deputy verifies that a relevant protective order has been issued, the deputy shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the deputy shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

- (a) Inquire whether the restrained person possesses firearms. The deputy should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with office procedures.

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318.7 INTERVIEWS

318.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

318.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

318.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

A deputy who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

318.8 MEDICAL EXAMINATIONS

When an elder or dependent adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

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318.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

318.9.1 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Unit supervisor so an interagency response can begin.

318.9.2 SUPERVISOR RESPONSIBILITIES

The Detective Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Detective Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social, and other conditions that may affect the adult.

318.10 TRAINING

The Office should provide training on best practices in elder and dependent adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- (f) Availability of victim advocates or other support.

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318.10.1 MANDATORY TRAINING

The Training Sergeant shall ensure that appropriate personnel receive the required training, including:

- (a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).
- (b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).
 1. Training should include the following:
 - (a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).
 - (b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Sergeant shall also ensure that appropriate training is provided on this policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public (Penal Code § 368.6 (c)(7)).

318.11 RECORDS BUREAU RESPONSIBILITIES

The Records Center is responsible for:

- (a) Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
- (b) Retaining the original elder or dependent adult abuse report with the initial case file.

318.12 JURISDICTION

The Kings 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 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.

318.13 RELEVANT STATUTES

Penal Code § 288 (a) and Penal Code § 288 (b)(2)

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(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

Penal Code § 368 (c)

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

Welfare and Institutions Code § 15610.05

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

"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:

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1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder 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

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physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

- (a) "Neglect" means either of the following:
 1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
 2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
 1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 3. Failure to protect from health and safety hazards.
 4. Failure to prevent malnutrition or dehydration.
 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
 6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (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:

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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.

318.14 SHERIFF RESPONSIBILITIES

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

- (a) Taking leadership within the Office and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of office support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including office protocols in this policy, including but not limited to the following:
 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

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- order, the deputy shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
- (b) In the case of a felony not committed in a deputy's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (c) In the case of a misdemeanor not committed in the deputy's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding deputies to follow when interviewing persons with cognitive and communication disabilities until deputies, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each office protocol, include either a specific title-by-title list of deputy responsibilities or a specific office or unit in the Office responsible for implementing the protocol.
 - (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
 - (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
 - (f) Ensuring that all members carry out their responsibilities under this policy.
 - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to deputies, including a simple and immediate way for deputies to access the policy in the field when needed.
 - (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

318.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A office member appointed by the Sheriff or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

Discriminatory Harassment

319.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

319.2 POLICY

The Kings County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

319.3 DEFINITIONS

Definitions related to this policy include:

319.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

319.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination,

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participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

319.3.3 SEXUAL HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

319.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

319.4 RESPONSIBILITIES

This policy applies to all office personnel. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional standards, and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Director of Human Services, or the County Administrator.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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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.

319.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Director of Human Services, the County Administrator, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

319.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff or the Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

319.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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

319.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of

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discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

319.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

319.5.2 FORMAL INVESTIGATION

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

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Director of Human Services, or the County Administrator.

319.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

319.6 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 Director of Human Services, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the office's established records retention schedule.

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319.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

319.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

319.7.1 STATE-REQUIRED TRAINING

The Training Sergeant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Sergeant should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

319.7.2 TRAINING RECORDS

The Training Sergeant shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

319.8 WORKING CONDITIONS

The Administration Division Commander 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).

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319.9 REQUIRED POSTERS

The Office shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

Child Abuse

320.1 PURPOSE AND SCOPE

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

320.1.1 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).

320.2 POLICY

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

320.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this office. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

320.3.1 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.

320.4 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).

320.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

320.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, office members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code § 11165.9).

320.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

- (a) Name and telephone number
- (b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

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320.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
 - 1. The child has an immediate need for medical care.
 - 2. The child is in immediate danger of physical or sexual abuse.
 - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 - 1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 - 2. There is no lawful custodian available to take custody of the child.
 - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

320.6.1 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.

320.6.2 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.

320.7 INTERVIEWS

320.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

320.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

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320.7.3 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).

320.8 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.

320.9 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.

320.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the 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.

320.9.2 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:

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- (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.

320.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

320.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 841.5; Penal Code § 11167.5).

320.10.2 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.

320.10.3 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.

320.10.4 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

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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.

320.10.5 CHILD DEATH REVIEW TEAM

This office should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

320.11 TRAINING

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

321.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

321.1.1 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).

321.2 POLICY

The Kings 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 Kings 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).

321.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Office report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- 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

321.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

321.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A photograph and a fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

321.6 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.

321.6.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Center.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

321.6.2 RECORDS CENTER 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).

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- (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).

321.7 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.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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- (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).

321.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

321.8.1 UNIDENTIFIED PERSONS

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

321.9 CASE CLOSURE

The Detective Unit supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Kings County or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

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- (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.

321.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this office whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of office members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

322.1 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.

322.2 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.

322.3 RESPONSIBILITIES

322.3.1 MEMBER RESPONSIBILITIES

Members of the Kings 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.

322.3.2 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 Division Commander 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 Division Commander

322.4 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.

322.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

322.4.2 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 Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
 - 1. The local FBI office
 - 2. National Center for Missing and Exploited Children (NCMEC)

322.5 BLUE ALERTS

Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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322.5.1 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.

322.5.2 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 Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 - 2. The FBI local office

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322.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

322.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The office has utilized all available local resources.
- (c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

322.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

322.7 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Detective Unit Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. The Watch Commander will provide a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this office.

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The Kings County Sheriff's Office shall assign a minimum of two detectives/deputies to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

322.8 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).

322.8.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

322.8.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

322.9 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the office has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

322.9.1 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 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.
 - 3. The identity of a suspect.

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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.

322.9.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

322.10 FEATHER ALERT

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

322.10.1 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Office has utilized local and tribal resources.
- (c) The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

322.10.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

322.11 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

322.11.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

- (a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.

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- (b) The Office has utilized all available local resources.
- (c) The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that 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.

322.11.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

322.12 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

322.12.1 CRITERIA FOR EBONY ALERT

The investigating deputy may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.
- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Office has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

322.12.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

Victim and Witness Assistance

323.1 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.

323.2 POLICY

The Kings County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Kings 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.

323.3 CRIME VICTIM LIAISON

The Sheriff may appoint a member of the 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 Kings 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.

323.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Kings County Sheriff's Office jurisdiction (Penal Code § 680.2).

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Office, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

323.4 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 office material or available victim resources.

323.4.1 VICTIMS OF HUMAN TRAFFICKING

Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

323.5 VICTIM INFORMATION

The Administration 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.
- (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.

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- (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).

323.6 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.

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324.1 POLICY

It is the policy of this office to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This office will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this office should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All deputies are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or other command-level officer to whom the Sheriff formally delegates this responsibility.

324.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Kings 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).

324.2.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

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Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:

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1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

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Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, deputies should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

324.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, office members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Office personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

324.3.1 HATE CRIMES COORDINATOR

A 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 office's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Sergeant 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 Center for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the office website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the office Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Center Policy.
- (m) Maintaining the office's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:

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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 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.

324.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the office spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Office should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

324.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

324.4.1 INITIAL RESPONSE

First responding deputies should know the role of all office personnel as they relate to the office's investigation of hate crimes and/or incidents. Responding deputies should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

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At the scene of a suspected hate or bias crime, deputies should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Office personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 1. Hate literature.
 2. Spray paint cans.
 3. Threatening letters.
 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 1. Identity of suspected perpetrators.
 2. Identity of witnesses, including those no longer at the scene.
 3. The offer of victim confidentiality per Government Code § 7923.615.
 4. Prior occurrences in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.
 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

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- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the office's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

324.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
 - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. Offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences, in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.

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6. Document the victim's protected characteristics.
 - (h) Provide victim assistance and follow-up.
 - (i) Canvass the area for additional witnesses.
 - (j) Examine suspect's social media activity for potential evidence of bias motivation.
 - (k) Coordinate the investigation with office, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 - (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Office.
 - (m) Determine if the incident should be classified as a hate crime.
 - (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
 - (o) Document any suspected multi-mission extremist crimes.
 - (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

324.4.3 SUPERVISION

The supervisor shall confer with the initial responding deputy and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
 1. Expressing the office's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the office's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a office chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

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- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning a deputy to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Sheriff for approval.

324.5 TRAINING

All members of this office will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by deputies, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

324.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

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Hate Crimes

[Supplemental Hate Crime Report.pdf](#)

Standards of Conduct

325.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Kings County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

325.2 POLICY

The continued employment or appointment of every member of the Kings County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

325.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification. 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, may be cause for disciplinary action.

325.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the

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opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

325.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

325.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

325.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service:

325.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or County manuals.
- (b) Disobedience of any legal directive or order issued by any office member of a higher rank.

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- (c) Violation of federal, state, local or administrative laws, rules or regulations.

325.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Kings County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for nonoffice business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

325.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

325.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.

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- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

325.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

325.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
 - 1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Kings County Sheriff's Office badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and nonsubpoenaed records.

325.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

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325.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on office premises.
 - 2. At any work site, while on duty or while in uniform, or while using any office equipment or system.
 - 3. Gambling activity undertaken as part of a deputy official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on office property except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.
- (i) Any act on or off duty that brings discredit to this office.

325.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

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- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.
- (i) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

325.5.10 SAFETY

- (a) Failure to observe or violating office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.

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- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

325.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

325.6 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 § 1010. 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.

325.7 WRITTEN REPRIMANDS

Refer to your respective Bargaining Unit MOU.

325.8 ASSISTANT SHERIFF'S RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Assistant Sheriff of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The respective Assistant Sheriff 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 Assistant Sheriff may return the entire investigation to the assigned Investigator for further investigation or action
- (b) When forwarding any written recommendation to the Sheriff, the Assistant Sheriff shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference

325.9 RESPONSIBILITIES OF THE SHERIFF

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials.

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The Sheriff may modify any recommendation and/or may return the file for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, to be issued.

In the event disciplinary action is issued, 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 Government Code § 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.

325.10 EMPLOYEE RESPONSE

The Skelly 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.
- (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.

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- (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.

325.11 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.

325.12 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).

325.13 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

- (a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file.
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the Skelly procedure, as set forth above, although he or she have limited due process rights. This appeal process may be held prior to or within a reasonable time after the imposition of discipline. If the dismissal from probation involves charges that stigmatize the employee's reputation (i.e. theft, dishonesty, or immoral conduct), the employee may be entitled to a "name clearing" or "liberty interest" hearing. A liberty interest conference (also referred to as a Lubey Hearing) does not provide for the review of whether the employee may be removed from a non-tenured position. Rather, it affords the employee "only an opportunity to clear his/her name."

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- (c) At all times during any investigation of allegations of misconduct involving a probationary deputy, such deputy shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies.
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment
- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence
- (f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file
- (g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Sheriff.

Information Technology Use

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software and systems.

326.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Kings County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Office or office funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

326.2 POLICY

It is the policy of the Kings County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

326.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any office computer system.

The Office 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 Office, including the office email system, computer network, and/or any information placed into storage on any office system or device. This includes records of all keystrokes or Web-browsing history made at any office computer or over any office network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office computers, electronic devices, or networks.

The Office shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Office may request

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access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

326.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

326.4.1 SOFTWARE

Members 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 a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any office computer. Members shall not install personal copies of any software onto any office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on office premises, computer systems or electronic devices. Such unauthorized use of software exposes the Office and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of office- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

326.4.2 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to office-related activities. Data stored on or available through office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

326.4.3 INTERNET USE

Internet access provided by or through the Office shall be strictly limited to office-related activities. Internet sites containing information that is not appropriate or applicable to office use and which

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shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

326.4.4 OFF-DUTY USE

Members are authorized by the Sheriff to use technology resources provided by the Office while off duty or in conjunction with specific on-call assignments. This includes the use of telephones, cell phones, texting and email. This also applies to personally owned devices that are used to access office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

326.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

326.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the office computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

327.1 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.

327.1.1 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.

327.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate office approved form unless otherwise approved by a supervisor.

327.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy

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3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log).

327.2.2 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 office (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (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

327.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling deputy should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.

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- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

327.2.4 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.

327.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this office shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

327.2.6 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 Center shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

327.3 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.

327.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for office consistency.

327.3.2 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.

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327.4 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.

327.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Center 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 Center may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

327.6 ELECTRONIC SIGNATURES

The Kings County Sheriff's Office has established an electronic signature procedure for use by all employees of the Kings County Sheriff's Office. The Patrol Assistant Sheriff shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

Media Relations

328.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official office information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

328.2 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, Division Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

328.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this office who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

328.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

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328.3.2 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 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).

328.4 POLICY

It is the policy of the Kings 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.

328.5 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of office members 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.

328.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this office make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.
- (c) Under no circumstance should any member of this office make any comments to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

328.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

328.7.1 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.

328.8 RELEASE OF INFORMATION

The Office may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the office website or other electronic data sources.

328.8.1 INFORMATION LOG

The 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 office, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has

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been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated 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

329.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Kings County Sheriff's Office to cover any related work absences and keep the Department informed about relevant legal matters.

329.2 POLICY

Kings County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

329.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the deputy or by delivery of two copies of the subpoena to the deputy's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to a deputy to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

329.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

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- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Kings County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Kings County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

329.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

329.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

329.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

329.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

329.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.(no Polo Shirts)
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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329.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

329.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Reserve Deputies

330.1 PURPOSE AND SCOPE

The Kings County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

330.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Kings 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 department.

330.2.1 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.

330.2.2 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.

330.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

Compensation for reserve deputies is provided as follows:

All reserve deputy appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular deputies.

330.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of this department, when authorized, may also serve as reserve deputies. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

330.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol

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Division. Reserve deputies may be assigned to other areas within the Department as needed. Reserve deputies are required to work a minimum of 16 hours per month.

330.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all departmental 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.

330.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

330.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve deputy performance
- (f) Monitoring overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

330.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve deputies, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

330.4.1 TRAINING OFFICERS

Deputies of this department, who demonstrate a desire and ability to train reserve deputies, may train the reserves during Phase II, subject to Watch Commander approval.

330.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve deputies will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve deputy will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

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330.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Kings County Sheriff's Office. The reserve deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

330.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve deputy in training.

If the reserve deputy has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

330.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve deputy will no longer be required to ride with his/her primary training officer. The reserve deputy may now ride with any deputy designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve deputy's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Deputy's Field Training Manual. At the completion of Phase II of training, the reserve deputy will return to his/her primary training officer for Phase III of the training.

330.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve deputy will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve deputy for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed his/her formal training. If the reserve deputy has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

330.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve deputy may now be assigned to ride with any deputy for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

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330.5 SUPERVISION OF RESERVE DEPUTIES

Reserve deputies who have attained the status of Level II shall be under the immediate supervision of a regular sworn deputy (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve deputies who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

330.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve deputies certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve deputies may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a certified Level I reserve deputy to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

330.5.2 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.

330.5.3 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies will be issued a uniform badge and a Department 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.

330.5.4 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this department.

330.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Division Commander.

Reserve deputies are considered at-will employees. Government Code § 3300 et seq. applies to reserve deputies with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

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330.5.6 RESERVE DEPUTY EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

330.6 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.

330.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve deputies to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

330.6.2 CONCEALED FIREARMS PROHIBITED

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid CCW permit. An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

When a reserve deputy has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Sheriff with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve deputy's qualification will be individually judged. A reserve deputy's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve deputy remains in good standing as a Reserve Deputy with the Kings County Sheriff's Office.

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330.6.3 RESERVE DEPUTY FIREARM TRAINING

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

- (a) All reserve deputies are required to qualify at least every other month
- (b) Reserve deputies may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator
- (c) Should a reserve deputy fail to qualify over a two-month period, that reserve deputy will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

330.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

330.8 TERMINATION FROM EMPLOYMENT AS A RESERVE

Reserve deputies may be terminated from employment at any time with or without cause by the Sheriff or his designee.

Outside Agency Assistance

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

331.2 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 this department 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 this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Kings County Sheriff's Office Personnel. Probation violators temporarily detained by this department will not ordinarily be booked at this department.

331.3 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. 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.

331.4 POLICY

It is the policy of the Kings County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

331.5 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

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Outside Agency Assistance

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

331.5.1 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Kings County Sheriff's Office shall notify his/her supervisor or the Watch Commander and the Dispatch Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

331.6 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

331.7 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

Registered Offender Information

332.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Kings County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

332.2 POLICY

It is the policy of the Kings 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.

332.3 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. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

332.3.1 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.).

332.4 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 Kings County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

332.5 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 Kings County Sheriff's Office's website. Information on sex registrants placed on the Kings 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).

332.5.1 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).

332.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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- (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

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

333.2 POLICY

The Kings 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.

333.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Kings County official
- Arrest of a department employee or prominent Kings County official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

333.4 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.

333.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Sheriff shall be notified along with the affected Division Commander and the Detective Commander if that division is affected.

333.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

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333.4.3 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.

Death Investigation

334.1 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.

334.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

334.2.1 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 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 Health and Safety Code § 1746 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).

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- (l) Occupational diseases or occupational hazards.
- (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.

334.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy 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 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 or a designee; the investigating deputy shall first obtain verbal consent from the Coroner 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 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 or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

334.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

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334.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

334.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

334.2.6 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

334.2.7 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 immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

Industrial Accidents

335.1 PURPOSE AND SCOPE

To comply with the California Code of Regulations relating to reportable industrial accidents to CAL/OSHA.

335.2 LEGAL PROVISIONS

The California Occupational Safety and Health Act (Department) requires that the Sheriff's Department notify CAL/OSHA of all industrial accidents when an employee is seriously injured or killed on the job. This reporting requirement includes police personnel who are victims as well as civilians employed by private industry or by the County of Kings.

The law defines serious injury as one requiring immediate hospitalization for more than 24 hours or when an employee suffers the loss of a limb or serious permanent disfigurement. Report of the injury must be made immediately after the occurrence.

335.3 RESPONSIBILITY AND PROCEDURE

A. When a deputy is dispatched to an industrial accident, the deputy shall investigate the incident and forward by telephone (445-5302) the following information to CAL/OSHA. (Should the accident result in a fatality a Coroner's case will be completed.)

1. Time and date of the accident.
2. Employer's name, address and telephone number.
3. Name and job title, or badge number of the person reporting the accident.
4. Address of the site of the accident or event.
5. Name of the person to contact at the site of the accident.
6. Name and address of the injured employee(s).
7. Nature of the injury.
8. Location where the injured employee can be contacted.
9. List and identity of other law enforcement agencies present at the accident.
10. Description of accident and whether the accident scene or instrumentality has been altered.

335.4 TRAFFIC ACCIDENTS

A. Accidents involving work vehicles (or mobile machinery) on private or public property which are in use as industrial equipment (graders, back-hoes, water-trucks, etc.) and results in injury or death, will be classed as industrial accidents and must be reported.

B. Traffic (moving vehicle) accidents occurring on dedicated highways, streets, or alleys, will be excluded from the reporting procedure when such equipment is not in use at the time as industrial machinery.

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C. If any doubt arises in reaching a determination, the telephonic report should be made to OSHA

335.5 PLANE CRASHES

Plane crashes resulting due to planes falling from the sky are not industrial accidents. Only accidents resulting from groundwork such as during taxi or repairs are reportable to CAL/OSHA.

Identity Theft

336.1 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.

336.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:
 1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this department 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 departmental 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

337.1 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.

337.2 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.

337.3 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.

337.4 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

337.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department 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.

Mandatory Employer Notification

339.1 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.

339.2 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.

339.2.1 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).

339.2.2 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).

339.2.3 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).

339.2.4 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).

339.3 POLICY

The Kings County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

339.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

Biological Samples

340.1 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.

340.2 POLICY

The Kings 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.

340.3 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.

340.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

340.4.1 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.

340.5 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.

340.5.1 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).

340.5.2 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 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).

340.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

340.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander or the on-duty authorized designee 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.

340.6.2 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)).

340.6.3 LITIGATION

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this 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

341.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Kings County Sheriff's Office chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

341.2 POLICY

The Kings County Sheriff's Office shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

341.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.
- (g) Ecclesiastical endorsement.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

341.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Kings County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

341.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Sheriff and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Sheriff.

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Chaplains

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain 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 the authorized designee.

341.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform.

Chaplains will be issued Kings County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Kings County Sheriff's Office identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

341.6 CHAPLAIN COORDINATOR

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.

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- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

341.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. 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 any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Kings County Sheriff's Office.

341.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

341.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Kings 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, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. 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 Kings County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

341.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications

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- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death
- Sensitivity and diversity

Child and Dependent Adult Safety

342.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

342.2 POLICY

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Kings 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.

342.3 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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342.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

342.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

342.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

342.3.4 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.

342.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other 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.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

342.5 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this office who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Service Animals

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

343.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

343.2 POLICY

It is the policy of the Kings County Sheriff's Office to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

343.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

343.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Kings County Sheriff's Office affords to all members of the public (28 CFR 35.136).

343.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

343.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

343.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a deputy may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

343.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Volunteer Program

344.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

344.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department 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.

344.2 VOLUNTEER MANAGEMENT

344.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administration Division Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

344.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department 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 Department 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.

344.2.3 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 exam may be required of each applicant depending on the type of assignment.

344.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department 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 Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. 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 Department.

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344.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, 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 Department. 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 Department.

344.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

344.2.7 DRESS CODE

As representatives of the Department, 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 department-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 department 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 department property at the termination of service.

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344.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department 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.

344.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental 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 departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. 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 Department in such matters without permission from the proper department personnel.

344.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

344.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

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- (a) A driving safety briefing and department 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 Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department 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 Department vehicle Code-3.

344.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

344.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

344.6.1 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 Department.

Off-Duty Law Enforcement Actions

345.1 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 Kings County Sheriff's Office with respect to taking law enforcement action while off-duty.

345.2 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 this department 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.

345.3 FIREARMS

Deputies of this department 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 department Firearms Policy. When carrying firearms while off-duty deputies shall also carry their department-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the deputy's senses or judgment.

345.4 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.

345.4.1 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.

345.4.2 NON-SWORN RESPONSIBILITIES

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.

345.4.3 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.

345.4.4 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 Kings County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

345.5 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.

Office Use of Social Media

346.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by office members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this office (see the Investigation and Prosecution Policy).

346.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the office website or social networking services

346.2 POLICY

The Kings County Sheriff's Office may use social media as a method of effectively informing the public about office services, issues, investigations and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

346.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only office-approved equipment during the normal course of duties to post and monitor office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over office social media by members who are not authorized to post should be made through the member's chain of command.

346.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the office mission and conforms to all office policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the office mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

346.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

346.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Kings County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this office's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

346.5.1 PUBLIC POSTING PROHIBITED

Office social media sites shall be designed and maintained to prevent posting of content by the public.

The Office may provide a method for members of the public to contact department members directly.

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Office Use of Social Media

Members of this office shall not share, on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime unless any of the following circumstances exist:

- (1) It is determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.
- (2) A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.
- (3) There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

346.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of office social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

346.7 RETENTION OF RECORDS

The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

346.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on office sites.

Native American Graves Protection and Repatriation

347.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

347.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

347.2 POLICY

It is the policy of the Kings County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

347.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

347.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

Gun Violence Restraining Orders

348.1 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).

348.1.1 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).

348.2 POLICY

It is the policy of the Kings County Sheriff's Office to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Office pursuant to such orders.

348.3 GUN VIOLENCE RESTRAINING ORDERS

A deputy who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the deputy's supervisor to petition the court for a gun violence restraining order.

Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, a deputy may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

348.3.1 ADDITIONAL CONSIDERATIONS

Deputies should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Deputies should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

348.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

A deputy serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The deputy should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

348.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

A deputy requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

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348.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The deputy serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the deputy shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

348.6 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) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Office are properly maintained (Penal Code § 18120).
- (e) 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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348.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

348.8 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.

348.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Sheriff will appoint a 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 office members, also including procedures for requesting and serving (Penal Code § 18108):
 1. A temporary emergency gun violence restraining order.
 2. An ex parte gun violence restraining order.
 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 2. Whether the potential victim is within close proximity.
 3. Whether the person has expressed suicidal tendencies.
 4. Whether the person has access to firearms.
 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.

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7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the 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 Sergeant 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, office procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Office.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate deputy of the hearing date and the responsibility to appear (Penal Code § 18108).

348.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Detective Unit supervisor is responsible for the review of a gun violence restraining order obtained by the Office to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

348.11 POLICY AVAILABILITY

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

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348.12 TRAINING

The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Remote Restraint Device

349.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of BolaWrap™ devices in order to minimize injury to suspects, subjects, and deputies.

349.2 POLICY

The BolaWrap™ device is intended to immobilize and control resistive/non-compliant persons and persons with known or suspected mental health issues. The BolaWrap™ is also intended to control violent or potentially violent individuals. The BolaWrap™ is a hand-held remote restraint device that discharges an eight-foot bola style Kevlar tether to entangle an individual at an optimal range of 10-25 feet.

349.3 ISSUANCE AND CARRYING BOLAWRAP DEVICES

The following guidelines shall be adhered to:

- (a) Only a department-approved BolaWrap™ device that has been issued by the Department shall be utilized by personnel.
- (b) Only members who have successfully completed department-approved training may be authorized to carry and deploy the BolaWrap™ device.
- (c) All BolaWrap™ devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (d) Uniformed and non-uniformed sworn staff who have been authorized to carry the BolaWrap™ device shall wear the device in an approved holster on their person or keep the device safely & properly stored in their county vehicle.
- (e) Deputies shall be responsible for ensuring that their BolaWrap™ device is properly maintained and in good working order.
- (f) Deputies should not hold both a firearm and the BolaWrap™ device at the same time.

349.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the BolaWrap™ 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 BolaWrap device may be deployed.

The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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 BolaWrap™ device in the related report.

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349.5 USE OF THE BOLAWRAP DEVICE

The BolaWrap™ device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the ideal operational range of 10 to 25 feet. The minimum recommended standoff distance is 10 feet. Deputies should be aware that the device may not achieve the intended results and be prepared to transition to other force options.

349.6 APPLICATION OF THE BOLAWRAP™ DEVICE

The BolaWrap™ 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:

- (a) The subject is violent or is physically resisting.
- (b) The subject 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, him/herself or others. Mere flight from a pursuing deputy, without other known circumstances or factors, is not good cause for the use of the BolaWrap™ device to apprehend an individual.

349.7 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the BolaWrap™ 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 who are handcuffed or otherwise restrained.
- (d) Individuals detained in a sheriff's office vehicle.
- (e) Individuals in confined spaces that may prohibit the eight-foot wide tether expansion.
- (f) Individuals in danger of becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- (g) Individuals near any body of water that may present a drowning risk.
- (h) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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

349.8 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the BolaWrap™ device to a precise target area, deputies should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

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349.9 DANGEROUS ANIMALS

The BolaWrap™ device should not be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, etc. This device was not intended for use against animals. However, 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 the BolaWrap™ may be deployed to protect against harm to suspects, subjects and deputies.

349.10 REPORTING THE USE OF THE BOLAWRAP

- (a) Deputies shall notify a supervisor as soon as practical when the BolaWrap™ is deployed.
- (b) The deployment of the BolaWrap™ shall be documented by the deputy and/or supervisor.
- (c) The supervisor shall determine whether further documentation of the incident is necessary, in accordance with department policy.
- (d) The cartridge, pellets, barbs and cord should be collected as evidence, in accordance with department policy.

349.11 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry department BolaWrap™ devices while off-duty. Deputies shall ensure that BolaWrap™ devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

349.12 MEDICAL TREATMENT

All persons who have been struck by BolaWrap™ device shall be medically assessed as soon as practical and prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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

Any individual exhibiting signs of distress shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio 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 BolaWrap™ device.

349.13 TRAINING

Personnel who are authorized to carry the BolaWrap™ device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the BolaWrap™ device as a part of their assignment for a period of one year or more

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shall be recertified by a department-approved BolaWrap™ device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been authorized to carry BolaWrap™ 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. All training and proficiency for BolaWrap™ devices will be documented in the deputies training file.

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

Deputies who do not carry BolaWrap™ devices should receive training that is sufficient to familiarize

them with the device and with working with deputies who use the device.

The Administration Unit is responsible for ensuring that all members who carry BolaWrap™ devices have received initial and annual proficiency training.

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

The Administration Unit should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Device nomenclature, function, manipulation, deployment, storage and maintenance.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of pellets near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the BolaWrap™ device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the BolaWrap™ device.

Key/Access Card Control

350.1 PURPOSE AND SCOPE

The control and accountability of facility keys

Facility keys and electronic access devices

Access cards are vital in maintaining a safe and secure environment for inmates, staff, volunteers, contractors and the public (15 CCR 1029(a)(6)). This policy outlines the methods that the Office will use in maintaining strict security of its keys and electronic access devices. For ease of reference, the term “key” as used in this policy includes all physical means of access to or exit from the secure areas of the facility.

350.2 POLICY

It is the policy of this office that all keys used to access secure areas of the facility or to exit the secure areas of the facility are strictly controlled. Employees and supervisors will be held accountable for the security and safety of the facility. All key control activities shall be accurately documented on a daily basis (15 CCR 1029(a)(6)).

350.3 KEY IDENTIFICATION

All keys that open any doors within the facility shall be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set shall be numbered or coded with a tag to identify that set. The identifying numbers or code on keys shall not correspond to numbers/codes on locks.

350.4 KEYSSET CONTENTS

Keysets issued to staff for use within the secure perimeter of the facility shall not contain any key that would permit access to areas outside the secure perimeter. The armory key shall not be permitted inside the secure perimeter. Exterior door keys shall not be permitted inside the facility except during an emergency requiring access to the exterior doors.

350.5 KEY CONTROL

All facility keys shall be maintained in a locked Key Tracer security cabinet located in the staff entrance at Central Control or in the Transportation Office. Each person assigned to the facility shall check out their keys at the beginning of the shift by scanning their assigned access card. At the end of a shift, staff shall return the keys to the same Key Tracer cabinet.

The Booking Supervisor will check out and log any keys that are temporarily issued to staff.

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Under no circumstances shall an employee pass a key or set of keys to another employee. All keys must be checked out through the Key Tracer process. Employees shall not possess any key for which they have not been authorized.

Employees shall not duplicate, mark, alter or manufacture any key without written authorization from the Detentions Captain or the authorized designee.

Under no circumstances will security keys be made available to inmates regardless of their status.

350.6 LOCK POLICY

All security perimeter entrances, Central Control doors and cell doors shall be kept locked, except when used for admission or exit of employees, inmates or visitors, and in an emergency. Operators of sallyports shall ensure that only one of the doors of a sallyport is opened at any time for entry or exit purposes, except where the entry or exit of emergency personnel requires the operator to override the doors and allow for rapid entry or exit. Each time the override function is engaged, staff must notify the on-duty supervisor prior to the end of his/her shift.

350.7 EXTERIOR DOOR

Keys for exterior doors to the facility shall be kept in a locked box in the Key Tracer security cabinet..

350.8 MISSING KEYS

Any staff member who discovers that a key or keyset is missing shall immediately make a verbal report to a supervisor and shall prepare a written incident report as directed by the supervisor. The supervisor shall immediately initiate a search for the missing key. If a reasonable effort to locate the key fails, the supervisor shall order a lockdown of the facility. All inmates shall be locked in their cells/housing units. Inmates shall not be allowed to pass into or out of the facility without being thoroughly searched for the missing key. The supervisor shall, as soon as practicable, notify the Detentions Captain regarding the loss of the key, when it was discovered and the circumstances involved.

A methodical and thorough search of the entire facility will be made by the on-duty staff.

Additional staff may be called to assist with the search. If, after a thorough search, the key or keyset is not located, the Detentions Captain will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

The Detentions Captain shall initiate an investigation into the disappearance of the keys to reexamine the procedures for key control, and shall notify the Assistant Sheriff of his/her findings. Based upon the findings of the investigation and any recommendations, the procedures governing this policy may be amended.

350.9 DAMAGED KEYS OR LOCK

Damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key shall be left in the lock. All portions of the damaged key must be turned in to the Shift Supervisor, who will remove the key/key set from service and ensure duplicate keys are provided as needed. Damaged

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locks shall be replaced or repaired as soon as practicable. Appropriate security measures shall be taken until such time as the lock is properly restored. No lock to a security door or gate shall be permitted to be inoperable or left in an unsuitable condition. No inmate shall be secured in a cell, detention room or area that has inoperable locks.

350.10 KEY CONTROL RECORDS

A shift roster will be maintained for the accounting and security of all keysets. Each shift is responsible for reporting any key malfunctions or missing keysets. Key control measures shall be documented by the Booking supervisor on logs/forms, and the records retained in accordance with established records retention schedules.

350.11 ACCESS CARD CONTROL

Electronic access cards may be issued to members. Members who are issued an electronic access card shall maintain the card on their person at all times while at the facility. Members shall not provide or allow any other person access to their access card or access code. When using their access number, members shall ensure no inmates are in the immediate area where the inmate(s) are able to obtain the access code by watching the member enter it on the key pad.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Kings 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 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

400.3 TERRORISM

It is the goal of the Kings 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.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Office should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

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Additionally, information should be shared with outside agencies and the public in conformance with office policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.5 HANDLING CALLS FOR SERVICE

To assure maximum utilization of field units and to provide adequate coverage for emergency calls, it is essential that only the necessary number of units be dispatched or voluntarily respond to calls. When units cover calls unnecessarily, without being dispatched or without advising dispatch, substantial areas of the county may be left without coverage. Not only does this detract from our ability to provide service, it also creates a serious safety hazard for deputies working adjacent beats who are depending on that unit for coverage in an emergency situation. The following procedures are designed to provide guidelines that will ensure a proper level of deputy safety and police service.

- (a) On "in progress" emergency calls, the assigned unit will acknowledge the call and indicate the location from which the unit is responding. If another unit is closer, that unit should advise dispatch and respond to the call.
- (b) Deputies who are available, may volunteer to cover calls as assigned to other units but not proceed to a call unless dispatch is advised.
- (c) The first arriving "cover unit" will normally be responsible for determining if "Code 4" status exists. This does not preclude another deputy who has sufficient information from issuing a "Code 4". "Code 4" should never be issued by anyone other than a deputy at scene.

400.6 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 for retention or follow-up investigation. All crime reports by patrol deputies should be treated as if they are the sole investigator, unless directed by a supervisor to relinquish the investigation to another division. Patrol Deputies should assist each other with criminal investigations as needed or as directed by a supervisor.

400.7 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.

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Generally, deputies should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.8 POLICY

The Kings County Sheriff's Office provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and office members.

400.9 FUNCTION

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Kings County. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Kings County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 POLICY

The Kings County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

401.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, a deputy conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple deputies conduct a stop, the deputy with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Kings County Sheriff's Office is the primary agency, the Kings County Sheriff's Office deputy shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the deputy's shift or as soon as practicable (11 CCR 999.227).

401.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

A deputy conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the deputy reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Deputies shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

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401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal (MDT) 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 or data that capture a potential instance of bias-based policing 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 take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

Each year, the Patrol Division Commander should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff.

The annual report should not contain any identifying information about any specific complaint, member of the public or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

401.7.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Training Section.

- (a) All sworn members of this office will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

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- (b) Pending participation in such POST-approved training and at all times, all members of this office are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this office who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against deputies is collected and provided to the Records Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Center Policy.

Supervisors should ensure that data stop reports are provided to the Records Manager for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

Briefing Training

402.1 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 Interim Directives or changes in Interim Directives
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

402.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing 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

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Kings County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department 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).

Crisis Response Unit

404.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of two specialized teams: the Crisis Resolution Team (CRT) and the Special Weapons and Tactics Team (SWAT). 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 and the POST SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department 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.

404.2 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, staffing, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

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404.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

404.2.2 ORGANIZATIONAL PROCEDURES

This department 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.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

404.2.3 OPERATIONAL PROCEDURES

This Office shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
 - 1. All SWAT team members should have an understanding of operational planning.
 - 2. SWAT team training should consider planning for both spontaneous and planned events.
 - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings are conducted prior to an operation unless circumstances require immediate deployment.
 - 1. When possible, briefings should include the specialized units and supporting resources.

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- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel, and augmentation of resources.
- (d) A generic checklist is to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post-incident scene management including:
 - 1. Documentation of the incident.
 - 2. Transition to investigations and/or other units.
 - 3. Debriefing after every deployment of the SWAT team.
 - (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 meaningful exchange, debriefing will generally not be recorded.
 - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment deployed.

404.3 TRAINING NEEDS ASSESSMENT

The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

404.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (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 department requirements or POST standardized training recommendations.

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404.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete an update or refresher training as certified by POST, or its equivalent, every 24 months.

404.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

404.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT Team Leader and approved by the SWAT/CRU Commander. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CRU 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 SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the CRU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty

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weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

404.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.3.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Section. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.4 UNIFORMS, EQUIPMENT, AND FIREARMS

404.4.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.4.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

404.4.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

404.4.4 OPERATIONAL READINESS INSPECTIONS

The CRU Commander shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CRU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the CRU facility and equipment maintained or used in CRU vehicles.

404.5 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The Commander of the CRU shall be selected by the Sheriff upon recommendation of staff.

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404.5.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Assistant Sheriff, the Crisis Response Unit shall be managed by a Commander.

404.5.2 TEAM SUPERVISORS

The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a Sergeant.

The team supervisors shall be selected by the Sheriff upon specific recommendation by staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.

- (a) The Crisis Resolution Team supervisor's primary responsibility is to supervise the operations of the Crisis Resolution Team which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.
- (b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

404.6 CRISIS RESOLUTION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Resolution 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 Resolution Team.

404.6.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the CRU Commander and the Crisis Resolution Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CRU Commander, the Crisis Resolution 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 staff for final selection.

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404.6.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the Crisis Resolution 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 Resolution Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (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 Weapons and Tactics Team.

404.7.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Division Commander, a copy of which will be forwarded to the CRU 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 CRU 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 CRU 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.

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- (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 CRU 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 SWAT Basic Drill for the handgun. A minimum qualifying score of must be attained to qualify.
- (d) **Team evaluation:** Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to staff, by the CRU Commander, for final selection.

404.7.2 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 CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.8 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. 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 CRU Commander.

404.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the CRU Commander.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

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404.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the CRU Commander and/or Commander or higher level authority. Deployment of the Kings County Sheriff's Office Crisis Response Unit in response to requests by other agencies must be authorized by a Division Commander.

404.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT 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.
- (b) Members of the Kings County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the Kings County Sheriff's Office when working in a multi-agency situation.

404.8.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor shall make a request through Dispatch for the Crisis Response Unit. The On-Scene supervisor shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the CRU Commander. The Watch Commander will then notify the Patrol Division Commander as soon as practical.

The Watch Commander should advise the CRU 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 CRU Commander or supervisor shall then call selected deputies to respond.

404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

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- (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.
- (e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief the CRU Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

404.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the CRU Commander's decision, with input from the Incident Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU 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 Crisis Response Unit. The Incident Commander and the CRU Commander (or his or her designee) shall maintain communications at all times.

404.8.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

405.1.1 ELIGIBILITY

The Kings County Sheriff's Office Ride-Along Program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Sheriff, Division Commander, or Watch Commander.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander 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 Department will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for sheriff's cadets are covered in the Sheriff's Cadets Policy.

405.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Kings County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

405.3 DEPUTY'S RESPONSIBILITY

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the deputy.

405.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the deputy
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment

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- (c) The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to office members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this office.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- (b) Notify the 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 Code § 79355).

406.3 REPORTING EXPOSURE

Office members 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 member in an employee memorandum that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

406.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Office will be obtained through the fire department.

Special Weapons and Tactics / SWAT

407.1 PURPOSE AND SCOPE

The primary role of the SWAT team is to provide specialized support in any situation wherein the capabilities of the team are necessary to conduct tactical operations in a high-risk environment. The objective of the S.W.A.T. Team is to utilize the minimum amount of force necessary to achieve a successful conclusion of an operation, with minimum hazard to citizens, property, and Deputies involved.

(a) SWAT is a support element of the department and will be utilized when a situation requires the use of their specialized capabilities. Additionally, SWAT teams are the primary maneuvering element used to approach and execute tactical actions at and within an objective site.

The formation of a special purpose tactical squad evolves from the concept that a team can more effectively and safely be employed in an enforcement confrontation than a larger or lesser-trained group of people. A tactical squad will consist of a group of highly motivated, well-conditioned, specially equipped individuals trained to function in tactical oneness under a variety of situations.

407.2 REQUESTING SWAT

The decision to request tactical assistance will be by the supervisor and/or at the discretion of a commander. If the request is made prior to consultation with the commander, the commander will be immediately notified once the tactical assistance has been made.

- (a) SWAT will implement and carry out appropriate tactics in situations that call for law enforcement intervention in the form of special weapons and tactics. This may include:
- (a) Barricaded suspect searches
 - (b) High risk warrant services
 - (c) Hostage rescue operations
 - (d) Mobile operations
 - (e) Protective operations VIP/witness/other
 - (f) Evacuation/movement of individuals from high-risk areas
 - (g) Officer down rescues when necessary
 - (h) Arrest / reaction teams
 - (i) Chemical agent deployment
 - (j) Negotiation team support
 - (k) Kidnapping victim exchange/payoffs
 - (l) Less lethal device deployment
 - (m) Inner perimeter containment
 - (n) Anti-sniper operations

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- (o) Open area searches when safety dictates the use of a tactical unit
- (p) High-risk vehicle stops
- (b) SWAT will conduct other missions as assigned by the Team Commander within the capabilities of team(s) and as determined by a commander.
 - 1. Saturation details
 - 2. Back-up support of crowd control units
 - 3. Mobile field force unit for riot situations
 - 4. Training other officers
 - 5. Undercover officer back-up in high-risk situations
- (c) SWAT team operational protocol includes the capability to execute missions within the following incident site configurations:
 - 1. Residential structures single/multiple story
 - 2. Commercial structures single/multiple story
 - 3. Vehicle auto/van/bus
 - 4. Train passenger/freight
 - 5. Detention facility
 - 6. Rural terrain
 - 7. Narcotics manufacturing/processing facility
 - 8. Aircraft
 - 9. Mobile home trailers
- (d) Deployment protocol for SWAT is as follows:
 - 1. SWAT will deploy as an intact unit with specific mission assignments. SWAT may be deployed as a mutual aid unit with other agencies or in relief of units already committed to an incident. Deployment of SWAT is usually in conjunction with other units committed to an incident, such as:
 - 2. Negotiation
 - 3. Patrol rifle deputies
 - 4. Containment deputies
 - 5. Other assignments as needed

407.3 SWAT CALL OUT/ACTIVATION

When the decision is made to call out the SWAT Team, the supervisor and/or a Team Commander and/or a Team Leader or any Commander level authority will decide (based on the type of incident) which type of call out will be made. At all times, SWAT Team members shall respond as quickly and safely as possible to all call-outs. Additionally, team members should advise Dispatch as soon as practical that they're en route and their estimated time of arrival.

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- (a) The team members should receive one of the following types of messages:
 - (a) Immediate Action Response. The purpose of an "Immediate Action Response is to get the team leader and as many equipped members to the scene as soon as practical. Team members will be advised of the type of call (barricaded suspect, active shooter, armed suspect open area search) and the location where to respond. Additionally, the team members should advise Dispatch as soon as practical that they're en route. Assigned team members will respond to and pick up the appropriate SWAT vehicles, then respond to the scene.
 - (b) Situations dictating this type of response may include, but are not limited to, hostage situations with death or imminent danger to life, armed suspects being sought in open or confined areas (whether canine is utilized for search or not), concealed snipers.
- (b) Standard Deployment. The purpose of a Standard Deployment is to gather and fully equip the team prior to responding to the scene. Team members will be advised of the type of call and to respond immediately to the SWAT Tactical building to prepare and stage.
 - 1. Situations dictating this type of response may include, but are not limited to, high-risk warrant services, barricaded suspects, detention facility takeovers, etc.
- (c) CALL OUT PROCEDURES FOR SWAT
 - (a) Central Dispatch will possess a current team roster containing team member addresses and home telephone numbers.
 - (b) Upon request of a field supervisor, a call-out is initiated through Central Dispatch. The on-call and or SWAT Commander shall be notified of such call-outs. The on-call and/or SWAT Commander reserve the authority to cancel or continue the SWAT Team deployment as circumstances warrant.

407.4 TEAM COMPOSITION, SELECTION AND REMOVAL

The SWAT Team shall be staffed in accordance with the organizational chart in Appendix A. Assignment to all positions within the detail are to be made by the team commander.

- (a) Assignment to the SWAT Team is made by the Sheriff or his designee. Personnel are also required to complete the following:
 - 1. Pass a physical agility test.
 - 2. Oral interview
 - 3. Firearms proficient test
 - 4. Complete a POST approved SWAT school
- (b) Assigned personnel may withdraw from the detail by submitting a written request to the team commander.
- (c) Personnel can be removed from the SWAT Team at the discretion of the Sheriff based on departmental needs.

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407.5 TRAINING

Each team member must completed a POST approved basic SWAT course. Subject areas covered during training sessions include: building search techniques; practical application of tactics and field problems; development of communication skills; equipment; firearms training; orientation to specialized weapons; and the building of team confidence. A fully professional, smoothly functioning team will be developed through additional training, use of special tactical tools and equipment, and on-the-job experience in dealing with specific situations.

407.6 CHAIN OF COMMAND

The following chain of command will be followed in a situation requiring the notification and response of management personnel. (See the organizational chart).

- (a) SWAT Commander, Commander or above who directs the SWAT operation. The SWAT Commander reports to the Assistant Sheriff and/or Sheriff.
- (b) Team Leader: The team leader directs all SWAT team members in operational objectives. The team leader reports directly to the SWAT Commander. All SWAT team members recognize that the team leader is absolutely in charge when the team goes to the objective and orders must be followed.
- (c) SWAT Team Members: Team members report directly to the team leader.
- (d) In the absence of the S.W.A.T. Commander, the team will maintain its own chain of command. Secondary leaders within the team will be selected by the SWAT Commander. The Team Leader will assume command of the team in the absence of the SWAT Commander. The Assistant Team Leader assumes direct leadership over the team. This structure allows for more team unity and tactical advantage. It allows team members who have worked and trained together to continue working together in uniformity. Trust and confidence built by working together is an important factor established in a unit. This is facilitated with this structure.

407.7 SWAT TEAM POLICY AND PROCEDURE

The actions and disbursement of the team will be based on the circumstances surrounding the incident they are assigned to. Actual tactics of the tactical team will be determined by the SWAT Commander and the Team Leader.

- (a) An operations order will be created at the outset of the incident by the SWAT Team Leader and approved by the SWAT Team Commander which will direct the actions of the team.
- (b) The primary objectives of any operation will be the protection or rescue of hostages or victims and the capture of the suspect(s).

407.8 HOSTAGE POLICY AND PROCEDURE

Hostage-takers generally fall into three main categories: A criminal whose escape has been blocked during the commission of a crime, the mentally disturbed with an undetermined motive and the terrorist or fanatic with a cause.

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- (a) Much less publicized and, also, much more common is the potential hostage situation, such as the family disturbance. The vast majority of these are handled by the responding deputy. The degree of success is largely dependent upon the willingness and cooperation of the subjects involved, and is greatly influenced by the tactics and tact of the responding deputy.
- (b) Jail uprisings are a different matter. Firearms are not usually readily available. The main weapons of the jail staff are hands; impact weapons; chemical agents; and authority. Usually, these are enough due to the relatively small number of inmates who become involved.
- (c) A hostage may be taken anytime, anywhere, and for almost any reason. It is therefore prudent to prepare for this eventuality as for any other emergency. This policy and procedural plan is prepared to this end.
- (d) These precepts are designed to save lives. They are based on successful hostage negotiations. Deviation should be in response to the most exigent of circumstances.

407.9 PROCEDURE FOR THREE BASIC HOSTAGE INCIDENTS

- (a) Potential Hostage Procedure/Jail Potential Hostage Procedure
 - (b) General Hostage Procedure
 - (c) Jail Uprising Porcedure
1. The following procedures shall be the basis for action taken in any hostage situation occurring in Kings County Sheriff's Office jurisdiction. Under no circumstances will any Deputy who is related to, or who has any emotional involvement with, either the hostage or the hostage-taker, participate in the hostage case, in any material way.
 - (a) Policy. It shall be the policy of Kings County Sheriff's Office to act in accordance with the philosophies and instructions contained herein in any actual or potential hostage situation.
 - (b) Preservation of Life. Of paramount importance, is the preservation of human life: that of the peace officer, the hostage, the hostage-taker, and the innocent bystander.
 2. **PROCEDURE FOR A POTENTIAL HOSTAGE INCIDENT**
 - (a) The successful conclusion of hostage cases depends most heavily upon two prime factors:
 - (b) **TIME and PROCEDURE.** Time is necessary to allow for the proper implementation of procedure; for establishing communications with the hostage-taker, and for developing intelligence on the hostage and the hostage-taker.
 - (c) **TIME DECREASES STRESS AND ANXIETY** for everyone involved and will help minimize mistakes. Procedure is necessary to minimize the danger to the hostage; effect the apprehension of the hostage- taker, and recover property.

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3. Procedure for the responding Deputy.
 - (a) A Deputy shall attempt to resolve the potential hostage situation to the best of his ability; utilizing his training and experience to the fullest, and giving due consideration to all factors involved.
 - (b) When the deputy recognizes that they will probably be unable to prevent escalation or maintain positive control of the situation, they will, at the first opportunity, seek assistance of the nearest deputy and of the Watch Supervisor.
 - (c) Should the case degenerate into a hostage taking, the deputy shall revert to general hostage procedure.

Hostage and Barricade Incidents

408.1 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.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

408.2 POLICY

It is the policy of the Kings 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.

408.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

408.3.1 EMERGENCY COMMUNICATIONS

Only a deputy who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The deputy reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The deputy reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

408.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

408.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

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- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

408.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

408.5 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 Crisis Response Unit (CRU) response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
 - (b) Ensure the completion of necessary first responder responsibilities or assignments.
 - (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
 - (d) Establish a command post location as resources and circumstances permit.
 - (e) Designate assistants who can help with intelligence information and documentation of the incident.
 - (f) If it is practicable to do so, arrange for video documentation of the operation.
 - (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Office obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Dispatch Center.
- (i) Identify a media staging area outside the outer perimeter and have the office Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

408.6 HOSTAGE POLICY AND PROCEDURE

Hostage-takers generally fall into three main categories. A criminal whose escape has been blocked during the commission of a crime. The mentally disturbed with an undetermined motive. The terrorist or fanatic with a cause.

(a) Much less publicized and, also, much more common is the potential hostage situation, such as the family disturbance. The vast majority of these are handled by the responding deputy. The degree of success is largely dependent upon the willingness and cooperation of the subjects involved, and is greatly influenced by the tactics and tact of the responding deputy.

(b) Jail uprisings are a different matter. Firearms are not usually readily available. The main weapons of the jail staff are hands; impact weapons; chemical agents; and authority. Usually, these are enough due to the relatively small number of inmates who become involved.

(c) A hostage may be taken anytime, anywhere, and for almost any reason. It is therefore prudent to prepare for this eventuality as for any other emergency. This policy and procedural plan is prepared to this end.

(d) These precepts are designed to save lives. They are based on successful hostage negotiations. Deviation should be in response to the most exigent of circumstances.

408.7 CRU RESPONSIBILITIES

The Incident Commander will decide, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU 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 the CRU. The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

408.8 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

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Kings County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

409.2 POLICY

It is the policy of the Kings County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

409.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

409.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

409.4.1 KINGS COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Kings County Sheriff's Office facility, the Watch Commander will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's department, as he/she deems appropriate.

409.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Kings County Sheriff's Office that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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409.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

409.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the County of Kings County, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting sheriff's assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 1. No evacuation of personnel and no search for a device.
 2. Search for a device without evacuation of personnel.
 3. Evacuation of personnel without a search for a device.
 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

409.5.1 ASSISTANCE

The Watch Commander should be notified when sheriff's assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

409.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
 - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

409.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

409.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

409.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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409.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

409.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Mental Illness Commitments

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

410.2 POLICY

It is the policy of the Kings County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

410.3 AUTHORITY

A deputy having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the deputy believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, deputies are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

410.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the deputies should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, deputies should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

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- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Deputies should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

410.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the deputy shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The deputy taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the deputy shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

410.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting deputy should have the Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Watch Commander approval is required before transport commences.

410.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported

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and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

410.7 DOCUMENTATION

The deputy shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for deputy involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

410.7.1 ADVISEMENT

The deputy taking a person into custody for evaluation shall advise the person of:

- (a) The deputy's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the deputy must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The deputy should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

410.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

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- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

410.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling deputies shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Deputies shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

410.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling deputy has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the 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 Office makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Office shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

410.10 TRAINING

This office will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Cite and Release Policy

411.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

411.2 POLICY

It is the policy of the Kings County Sheriff's Office to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Office's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

411.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing deputy shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

411.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting deputy should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

411.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

411.4 NON-RELEASE

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411.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

411.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Office and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves 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 their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (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. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the deputy responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

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. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Center.

411.5 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Kings County County codes

All other misdemeanor violations for juveniles shall be documented with a case number.

411.6 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if the deputy feels the situation should be documented more thoroughly in a case report.

Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Kings County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The Kings County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

412.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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Foreign Diplomatic and Consular Representatives

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers
 - 5. Whenever a deputy arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the deputy shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

412.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

412.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	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
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	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))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

413.2 POLICY

The Kings County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

413.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

413.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, deputies shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

413.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

413.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.

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- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

413.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - (a) This should include the POST terrorism incident training required for deputies assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Kings County Sheriff's Office , Operations Division.

414.1.1 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.

414.2 POLICY

It is the policy of the Kings County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their status.

It is further the policy of the Kings County Sheriff's Office to cooperate with Federal authorities in their duty to enforce immigration laws to the fullest extent allowable under State and Federal law.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

414.4 ENFORCEMENT

A deputy may detain an individual when there is a valid criminal warrant for an immigration violation that has been signed by a judge. A deputy shall not detain any individual, for any length of time, for a violation of federal civil immigration laws or pursuant to a civil or administrative immigration warrant.

Deputies may contact immigration authorities to verify whether an outstanding warrant is for a civil or criminal immigration offense. Deputies shall only provide immigration authorities with

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the minimum information necessary to verify the type of warrant, such as the individual's name and date of birth. Deputies shall not provide immigration authorities with the individuals' current location, home address, work name or address, or any other information that would not be otherwise publicly available to immigration authorities when verifying the type of immigration warrant outstanding for the individual.

Deputies shall not detain an individual who is otherwise ready to be released solely for the purpose of verifying whether an outstanding immigration warrant is for a civil or criminal immigration violation, absent a reasonable belief that the warrant is for a criminal violation.

414.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

414.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

414.5 DETENTIONS AND ARRESTS

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

A deputy shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

A deputy should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

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414.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this office should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

414.7 INFORMATION SHARING

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in office records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

414.7.1 IMMIGRATION HOLDS

Individuals shall not be held in custody solely for a civil immigration hold under 8 CRF 287.7. Requests for such holds shall be handled in accordance with county jail policies and procedures.

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Unit supervisor assigned to oversee the handling of any related case. The Detective Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be

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- completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

414.8.1 TIME FRAMES FOR COMPLETION

Deputies and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Deputies and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

414.8.2 TIME FRAME FOR COMPLETION

Except as set forth above, the Support Division Commander shall complete the above process and the documents needed for a U visa or T visa application pursuant to Penal Code 679.10 and Penal Code 679.11 within 90 days of a request from the victim or victims family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

414.8.3 DISCLOSURE OF THE REQUESTING PARTY'S IMMIGRATION STATUS

When filling out Form I-918 Supplement B certification or Form I-914 Supplement B certification, the Support Division Commander shall not disclose the immigration status fo the victim or any other

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individual who is the subject of the request, except to comply with federal law or legal process, or if authorized by the requesting individual. (Penal Code 679.10(k) and 679.11 (k).

414.8.4 REPORTING TO LEGISLATURE

The Support Division Commander shall ensure that certification requests are reported to the Legislature by January 1st of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code 9795. (See Penal Code 679.10: Penal Code 679.11.)

414.8.5 POLICE REPORTS

Upon request, a deputy or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

414.9 TRAINING

The Training Sergeant should ensure that all appropriate members receive training on immigration issues.

Emergency Utility Service

415.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Department. Requests for such service received by this department should be handled in the following manner.

415.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practical by the Dispatch Center.

415.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

415.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Dispatch Center.

415.2 TRAFFIC SIGNAL MAINTENANCE

The County of Kings County contracts with a private maintenance company to furnish maintenance for all traffic signals within the County, other than those maintained by the State of California.

415.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise the the Dispatch Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Patrol Rifles

416.1 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 Kings County Sheriff's Office will make patrol rifles available to qualified patrol deputies as an additional and more immediate tactical resource.

416.2 PATROL RIFLE

A patrol rifle is an authorized weapon which is owned by the Department 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 pre-approved in writing by the Sheriff and the department armorer.

416.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Sheriff or his designee, and issued by the Department may be used by deputies in their law enforcement responsibilities.

416.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster or his designee, who shall inspect and service each patrol rifle on a yearly 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 unserviceable 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.

416.5 TRAINING

Deputies shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified patrol rifle instructor. Deputies shall thereafter be required to successfully complete regular training and qualification conducted by a certified patrol rifle instructor.

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Any deputy who fails to qualify or who fails to successfully complete two or more department 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.

416.6 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.
- (g) When needed to euthanize an animal.

416.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

416.8 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 fully loaded magazine is inserted into the magazine well.

416.9 RIFLE STORAGE

- (a) When not in use, patrol rifles will be stored in the department armory in rifle racks.
- (b) Rifles stored in department vehicle will be kept in a manner which reasonably is a deterrent to theft, ie. in a locking mechanism, locked trunk, locking compartment, etc.

Aircraft Accidents

417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

417.2 POLICY

It is the policy of the Kings County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

417.2.1 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)
 1. Determine the nature and extent of the accident.
 2. Request additional personnel and other resources to respond as needed.
 3. Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.
 4. Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
 5. Provide crowd control and other assistance until directed otherwise by a supervisor.
 6. 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.

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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.

417.2.2 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.

417.2.3 DISPATCH 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) (a) Fire Department
- (b) Law Enforcement
- (c) The Federal Aviation Administration (FAA)
- (d) Closest military base if a military aircraft is involved
- (e) Ambulances or other assistance as required

When an aircraft accident is reported to the Sheriff's Department 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

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Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

417.2.4 PRESS INFORMATION OFFICER RESPONSIBILITIES

The Department Press Information Officer is responsible for the following:

- (a) Obtain information for a press release from the on-scene commander or his or her designee
- (b) When practical, the department press information officer should coordinate with the FAA press information officer or in accordance with existing policy.

Information released to the press regarding any aircraft accident should be handled by the Department Press Information Officer or in accordance with existing policy.

417.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

417.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

417.5 NOTIFICATIONS

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department

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- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

417.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

417.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

417.8 DOCUMENTATION

All aircraft accidents occurring within the County of Kings County shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of KCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

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417.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

417.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

417.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Loud Parties - Law and Procedures

418.1 PURPOSE AND SCOPE

The purpose of this Instruction is to establish guidelines for the handling of problems arising from loud and boisterous parties. Frequent characteristics of these loud parties are large numbers of people, amplified music, use of alcoholic beverages, drunkenness, vehicular noises, parking violations and blockage of sidewalks and streets.

418.2 LAW APPLICABLE TO HANDLING LOUD PARTIES

APPLICABLE LAWS

A. Kings County Ordinance 15-211 provides that "No person shall make, suffer, or permit upon any premises owned, occupied or controlled by such person any noises or sounds which are physically annoying to the senses of persons of ordinary sensitivity, or which are so harsh or so prolonged or unnatural or unusual in their use, time or place, as to cause physical discomfort to neighbors or to interfere with the comfortable use and enjoyment of life or property, or which constitutes a public or private nuisance, within any unincorporated territory of the County of Kings."

1. When a Deputy is required to respond to an incident, whether or not in response to citizen complaints, and determines that there is a violation of section 15-211, they shall notify the person, or persons, in charge of the property, or the person, or persons, lawfully in possession of the property, or, in the case any such person is a minor, the parents or guardians of such minor, that such person or persons shall be personally liable for the cost of providing additional law enforcement personnel needed to subsequently respond to the same incident, if such subsequent response is made necessary by continuance of noise after the initial warning. Such additional costs shall include all costs necessary and incidental to the subsequent response over and above the services provided by the sheriff in the initial response to the incident. Notification of liability shall be provided as follows:

a. Such person or persons shall be given a warning that they will be charged for the costs of (1) any and all subsequent responses by the Sheriff's Department to

the same incident, and (2) for the costs of making subsequent responses to the same location for similar incidents which total four or more incidents within any 12-month period.

b. The warning shall include a written notice delivered to the person, or persons, in charge of or in possession of the property. In the event the person is a minor, a written warning shall be delivered to each minor and their parents or guardians. The inability to provide a written warning to the parents or guardians of any minor shall not invalidate charges imposed as long as the Sheriff's Department has acted in a reasonably timely fashion to provide a written warning to the parents or guardian.

c. When the Sheriff's Department makes any subsequent response for which costs will be charged, a Deputy shall serve upon the person, or persons, in charge of or in lawful possession of the property a "disturbance violation notice." The notice shall be signed by each person. In the event

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any person is a minor, the written notice shall be delivered to each minor and their parents or guardians. In the event that the owner of the property is not the person who is in charge of or lawfully in possession of the property, the sheriff shall make reasonable efforts to deliver a copy of the violation notice to the owner, for information purposes only.

B. Penal Code Section 415 provides that "Any person who maliciously and willfully disturbs another person by loud and unreasonable noise," is guilty of a misdemeanor.

1. It is necessary that the disturbance be offensive to someone and that the persons creating the disturbance have knowledge of that fact.

2. It has also been held that conduct which can be reasonably anticipated as having a tendency to incite others to violence or a breach of the peace, constitutes a violation of Section 415.

3. Householders or party hosts, by permitting a loud and boisterous party to be held on premises, may be held liable for a violation of Section 415 if they have knowledge that other people are being disturbed by the party.

4. Band members or other actually engaged in the activity complained of, are in violation of Section 415, and amplifiers, instruments and other noisemakers may be impounded as evidence if enforcement action is taken against these people.

5. Before enforcement action is taken, deputies must be assured that a civilian "Victim" is willing to sign a criminal complaint. If deputies have this assurance, it is not necessary for the citizen to accompany the deputies when enforcement action is taken.

C. Unlawful Assembly. Penal Code Section 409 makes it a misdemeanor to remain present at the place of an unlawful assembly. If the party is extremely large and deputies are not receiving cooperation in breaking it up, the party may be declared an unlawful assembly by a field supervisor. Individuals who fail to leave after a reasonable time are in violation of Section 409.

418.3 PROCEDURES FOR HANDLING OF LOUD PARTIES

A. Complaints of a loud party: When approaching the scene of a reported loud party, deputies should be especially aware of factors that indicate the scope and effect of the disturbance upon the neighborhood. Residents standing outside, cars blocking driveways and sidewalks, glass and debris scattered about and number of persons outside the party location are noteworthy items in case of subsequent prosecution. Explain the level of noise coming from the party structure and the nature and type of noise. Upon arrival, deputies should:

1. Contact the party hosts and advise them of their financial responsibility under Kings County Ordinance 15-211. Follow the notification procedures in 18.2 A(1).

2. Advise them of the basis of the complaint and their criminal liability if the disturbance continues.

3. Do not divulge information regarding the identity of complainants.

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B. When it is decided that enforcement action is to be taken, the field sergeant should assemble a sufficient number of deputies away from the actual scene. Upon arrival at the scene, deputies should:

1. Park patrol cars in a manner that they way is clear for people leaving the disturbance area.
2. Attempt to secure the host's cooperation in dispersing party guests. In rare cases, it may be necessary to declare an unlawful assembly.
3. Issue a written notice of costs to be charged following the service procedure in 18.2(c), or misdemeanor citations for Penal Code Section 415, unless the circumstances indicate that physical arrests are necessary in order to obtain compliance.
4. Remain at the scene until the party is broken up.
5. In the event arrests are made, prepare complete detailed reports with names and addresses of all persons contacted, witness information and elements personally observed by the reporting deputies.

Field Training Officer Program

419.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Kings County Sheriff's Office.

It is the policy of this office to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

419.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training, and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

419.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Demonstrated ability as a positive role model
- (c) Participate and pass an internal oral interview selection process
- (d) Evaluation by supervisors and current FTOs
- (e) Possess a POST Basic certificate

419.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

419.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee

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- (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 FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

419.4 TRAINEE DEFINED

Any entry level or lateral sheriff's deputy newly appointed to the Kings County Sheriff's Office who has successfully completed a POST approved Basic Academy.

419.5 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. A lateral deputy may be exempt from the Field Training Program requirement if the deputy qualifies for an exemption as provided in 11 CCR 1005(a)(B).

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.

419.5.1 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 Kings County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Kings County Sheriff's Office.

419.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

419.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.

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- (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.

419.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

419.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

419.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

419.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Obtaining Air Support

420.1 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.

420.2 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.

420.3 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

420.4 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
- (f) Planned enforcement events, swat operations, etc.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

Contacts and Temporary Detentions

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

421.1.1 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.

421.2 POLICY

The Kings 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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421.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Kings County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

421.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the deputy

421.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

421.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

421.5.1 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation 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 Watch Commander should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Center.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

421.5.2 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

421.6 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

421.7 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership

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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. ie. in public associating with know gang members.

421.8 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 investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Kings County Sheriff's Office members.
 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

422.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Kings County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

422.1.1 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.

422.2 POLICY

The Kings 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 office to collect and share relevant information while respecting the privacy and legal rights of the public.

422.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

422.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (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 office, 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 Center. Any supporting documentation for an entry shall be retained by the Records Center in accordance with

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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 Center are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

422.3.2 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 Office, the basis for that designation, and the name of the agency that made the designation. The Office shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the 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 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 Center 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 Center 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).

422.4 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 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.

422.4.1 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 office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Center or Property and Evidence Section, 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.

422.4.2 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.

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.

422.5 INFORMATION RECOGNITION

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.

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- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

422.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

422.7 CRIMINAL STREET GANGS

The Detective Unit supervisor should ensure that there are an appropriate number of office 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.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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Criminal Organizations

422.8 TRAINING

The Training Sergeant 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.

422.8.1 SHARED GANG DATABASE TRAINING

The Training Sergeant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Office (Penal Code § 186.36; 11 CCR 751.6).

Watch Commanders

423.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant or Senior Deputy heads each watch.

Emergency Medical Care

424.1 PURPOSE AND SCOPE

To establish Department policies and procedures for first aid services which will conform with current medical practices.

The Kings County Sheriff's Office sworn personnel will be responsible for providing emergency medical care for victims that are encountered during law enforcement activities, in the absence of any other emergency medical care.

424.2 PROVIDING CARE/TRAINING

- (a) Personnel will only administer emergency medical care to the degree of their certification.
- (b) Personnel will receive first aid and cardiopulmonary resuscitation training, as prescribed in Section 13518 of the Penal Code.

Water Rescue Unit

425.1 PURPOSE AND SCOPE

The Sheriff's Water Rescue Unit was formed to provide the capability by local government for law enforcement and recovery services on and in bodies of water.

WATER RESCUE UNIT PHILOSOPHY

In all situations, the safety of unit members will be of the utmost importance and shall take precedence over all other aspects of a mission.

425.2 ORGANIZATION

- (a) The Sheriff's Water Rescue Unit shall be an arm of the Operations Division. It shall be comprised of not more than ten employees, at least one of which shall be a sergeant.
- (b) Each team member will be assigned a job in the unit by the Sergeant(s). These jobs may include maintaining boats, land vehicles or dive equipment.
- (c) The Water Rescue Unit will be directly supervised by a Sheriff's Sergeant(s). There may be one or more Senior Deputy's who may be assigned as assistant WRU supervisors.
- (d) In the absence of the unit supervisors or unit Commander, the senior dive team member will be in charge of the respective operation.
- (e) Once a mission has been assigned, the method of accomplishing the mission will be left to the unit members. Non-unit supervisors shall be discouraged in directing unit members on how to undertake any operation.
- (f) A roster of current unit members will be placed in the Watch Sergeants office and central dispatch.

425.3 FUNCTION OF WATER RESCUE UNIT

- (a) 1. The Water Rescue Unit will be used in support of the Sheriff's Office and will usually be given its operational missions by a Sheriff's Commander or Sheriff's Sergeant. Operational mission may include:
 - (a) The rescue and/or recovery of drowning or persons in the water.
 - (b) The search for and recovery of evidence that is underwater.
 - (c) Mutual assistance to other agencies for search and/or recovery of victims, evidence or other rescue needs. Assisting outside agencies will require approval of the Division Commander or his designee.
2. The Water Rescue Unit may also be given administrative missions. These missions will be assigned to one of the teams by the Unit Commander.
 - (a) Training assignments.
 - (b) Equipment maintenance and inspections.
 - (c) Water and/or boating safety classes.

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Water Rescue Unit

- (d) Public service presentations relating to water or boating safety or the Sheriff's Office.

425.4 WATER RESCUE UNIT SELECTION PROCESS

- (a) Each member of the water rescue unit shall be an employee of the Kings County Sheriff's Office or an investigator with the Kings County District Attorney's Office.
- (b) The Unit Commander will be assigned by the Sheriff or his designee.
- (c) Selection to the Water Rescue Unit will be made by the Unit Commander and approved by the Sheriff or his designee.
- (d) Candidates for the unit must apply in writing to the Unit Commander stating their qualifications and desires.
- (e) Candidates shall be appointed to the unit based on their personal qualifications. Criteria used in this portion of the selection may include:
 - 1. The candidate's previous training and education.
 - 2. The candidate's actual experience.
 - 3. The candidate's physical and mental conditioning.
 - 4. Diving and swimming guidelines as established by the Unit Commander and Supervisory staff.

425.5 CALL OUT OF WATER RESCUE UNIT

- A. Water Rescue Unit members may be called upon whenever the Watch Sergeant feels that they are or may be needed for a mission.
- B. Water Rescue Unit members will be called in the order they appear on the roster for the respective team.
- C. A minimum of three members per team will respond to calls.
- D. If, in the opinion of the senior team member or team leader, a mission involves too much personal risk, it shall not be undertaken.
- E. Water Rescue Unit members shall abide by the decision of the senior team member and not attempt to undertake the mission on their own.
- F. In the event the Unit Commander is not present, nothing in this policy shall preclude any member of the unit from asking that the Unit Commander respond if a disagreement over a mission arises.

425.6 MISSION REPORTING PROCEDURE FOR WRU

An administrative report will be written after each mission. This report will be prepared by the senior team member present. All reports will be forwarded through the Unit Commander, to the Operations Division Assistant Sheriff through the proper chain of command. Administrative reports will contain the following information:

- (a) 1. The nature of the mission. How it came about.

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2. Man hours spent, by individual members from the time the first member was called. Man hour totals. Totals shall include time used to clean and store equipment.
3. Total time spent in and underwater for both divers and boat team members. This time shall be rounded to the nearest quarter hour.
4. Lists of all equipment used in the mission.
5. Any loss or damage of equipment along with the particulars of how such loss or damage occurred.
6. Any equipment failures.
 - (a) Some missions will require investigative, criminal reports. The responsibility for these reports will be assigned in the same manner as the administrative reports. These reports will be written as either initial or supplemental reports.
 - (b) Supplement reports will only be written in conjunction with the current investigations by this Office. They will be written under the same case number as the parent investigation.
 - (c) All other reports will be written as initial investigations and will be assigned a Department case number. (i.e., mutual aid).
 - (d) Investigative reports will be routed through standard operational channels with the copies to the water rescue unit commander, area commander and the operations division assistant sheriff.

Bailiff Unit Duties

426.1 PURPOSE AND SCOPE

To establish policy defining guidelines and procedures regarding duties and responsibilities of Deputy Sheriffs assigned to the position of Bailiff.

426.2 BAILIFF RESPONSIBILITIES

The Bailiff's primary responsibility is protection of the Judge, court staff and public, maintaining order inside the courtroom, protection of county property, and enforcement of Court rules. Each Bailiff is responsible for the legal and efficient performance of all Court functions.

426.3 GENERAL RULES AND REGULATIONS FOR THE BAILIFF UNIT

- A. The Bailiff shall report in regulation Sheriff's Department uniform, neat and professional in appearance, at the scheduled time to begin work.
- B. Uniforms and equipment shall be maintained at all times in accordance with Departmental regulations.
- C. All Bailiffs will report to the Bailiff Sergeant for their courtroom assignments.
- D. When the Bailiff is no longer required in his/her court, immediately contact the Bailiff Sergeant for further assignment.
- E. All Bailiffs are expected to work as a team, insuring a harmonious work place and increased officer safety.
- F. No Bailiff shall give legal advice or recommend the services of any lawyer or bondsman to any person at any time.
- G. The Bailiff who is assigned to a court shall notify the Bailiff Sergeant of any sensitive cases which may require special security measures.
- H. Each Bailiff shall recognize that the Judge is an individual with his or her own preferences toward the operations of the Court's legal functions and protocol. Although the Bailiff's Sergeant is the Bailiff's direct supervisor, each Bailiff shall take direction from Judges regarding the legal functions and protocol of their individual court. If a request of the Court conflicts with the provisions of this manual, or conflicts with order of the Sheriff's Office, the Bailiff shall notify the Bailiff's Sergeant and request assistance to resolve the conflict.
- I. The Bailiff shall arrive to Court sufficiently early each day allowing ample time to check the courtroom and make preparations for the day's court calendar.
- J. The Bailiff shall remain in the courtroom when the Court is in session, and when in custody prisoners are present in Court.
- K. The Bailiff will communicate with the Transportation Deputy to determine if there are any possible security problems. In some instances, inmates may be moved to a more secure area of the courtroom.
- L. The Bailiff shall remain alert and place himself in a position of advantage to handle any problems which may arise.

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Bailiff Unit Duties

- M. All Bailiffs will familiarize themselves with the courtroom layout as well as alarm systems and emergency exits.

Mobile Data Terminal Use

427.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Dispatch Center.

427.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

427.3 POLICY

Kings County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

427.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Watch Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

427.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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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.

427.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

427.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

427.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

427.6 EQUIPMENT CONSIDERATIONS

427.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the Dispatch Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

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427.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Automated Criminal Justice Information

428.1 PURPOSE AND SCOPE

To establish methods for the field deputy to inquire, through the Records Division, the automated files of the California Department of Justice (DOJ), California Department of Motor Vehicles (DMV), the National Crime Information Center (NCIC), and the Automated Regional Justice Information Systems (ARJIS).

428.2 NATIONAL CRIME INFORMATION CENTER

- (a) 1. Contains information from all states, on persons wanted for extraditable offenses, wanted firearms and stolen vehicles, identifiable property, boats and securities.
2. DOJ files are compatible with NCIC and inquiries are first matched against DOJ and if "no hit" it is automatically switched to NCIC if sufficient information is given.

428.3 DEPARTMENT OF JUSTICE (DOJ) WANTED PERSON SYSTEM (WPS)

- (a) 1. Contains information on persons wanted by California agencies
2. Access to this file is by full name, date of birth, and/or a social security or driver's license number.
3. When a "hit" is made, at either DOJ or NCIC, the Communications Section will request confirmation from the agency placing the want.

428.4 DOJ AUTOMATED FIREARMS SYSTEM (AFS) DOJ AUTOMATED PROPERTY SYSTEM (APS) DOJ STOLEN VEHICLE SYSTEM (SVS)

- (a) 1. Contains the information on lost, stolen, pawned, and wanted firearms, and firearms ownership.
2. Access to this file is by serial number or owner applied number, make and caliber of weapon.
3. Contains information on identifiable stolen, lost, pawned, and other property of interest.
4. Access to the property file is by serial number, article name, and brand.
5. Contains information on stolen, impounded and repossessed vehicles, felony vehicles, lost or stolen plates and stolen parts.

428.5 DVM VEHICLE REGISTRATION FILE (AMIS) DMV DRIVERS LICENSE FILE (AMIS)

- (a) 1. Contains information on all automobiles, motorcycles, trailers and boats registered in California.
2. Access to the file is by license number and type of vehicle, such as auto, motorcycle, etc. For boat information, use the number on the front of the hull, CF1234AA.

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3. Contains driving record for all persons licensed in California.
4. Ask for DMV name check and furnish name and birthdate or age. Address and city not necessary.
5. Requests may also be made for all vehicles registered to an individual. Submit full name and complete current address.

428.6 PROPERTY SYSTEM

Contains identifiable stolen and lost property; all pawned property and names of persons pawning property.

- (a) 1. Access to the property system is by serial number or owner applied number, type and brand of property or by name for pawn.

Portable Audio/Video Recorders

429.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Kings County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

429.2 POLICY

The Kings County Sheriff's Office provides 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 Office by accurately capturing contacts between members of the Office and the public.

When legally permitted to do so, any Deputy Sheriff investigating any crime listed 1192.7(c) or 667.5(c) of the California Penal Code, shall audio record all civilian statements whether they be victims, witnesses, suspects, or other involved persons.

429.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any office-issued device at any time, and any recording made while acting in an official capacity for this office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

429.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/ she is equipped with a portable recorder issued by the Office, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, KCSO identification 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

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when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members shall document the existence of a recording in any report or other official record of the contact, and those recordings shall be uploaded into the evidence drive corresponding with the appropriate case number. In any instance where the recorder malfunctioned or the member deactivated the recording device, the member shall include the reason for such malfunction or deactivation.

429.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

429.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Dispatch Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

429.5.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits

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the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

429.5.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Office may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

429.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

429.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

429.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

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- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

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.

429.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. 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 or 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 Office 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 Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

429.9 COORDINATOR

The Sheriff or the authorized designee shall appoint a member of the Office to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

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- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

429.10 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force by a deputy
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against a deputy or the Kings County Sheriff's Office

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should 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.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

429.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

Body Worn Cameras (BWC's)

430.1 PURPOSE AND SCOPE

To provide policy and procedures for use of the Body Worn Camera system (BWC) that includes both audio and video recording of field activity in the course of official police duties. The use of the BWC system is meant to assist deputies in the performance of their duties and provide documentary evidence of incidents such as: assisting deputies in accurate report writing, protecting deputies from unfounded allegations of misconduct, reducing time deputies spend in court, and documenting law enforcement encounters. Deputies shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives, ensure evidence integrity, and enhance the mission of the Department. In addition, the Kings County Sheriff's Office issues another digital audio recording device that can be used when the BWC equipment is either malfunctioning or impractical to use. Deputies shall comply with KCSO policy section 429 regarding the use of audio recorders.

430.2 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

430.3 PROCEDURE

When issuing cameras, priority will be given to uniformed patrol deputies. When issued a BWC, deputies shall wear it at all times when they may become involved in an enforcement situation. This includes any regular or overtime deputies are scheduled to work. Deputies may not wear a BWC unless they have completed the required department training on the use and function of the BWC. Deputies may not wear personally owned cameras to record work related activity. Deputies shall test BWC equipment prior to going into service and ensure the unit is properly charged. Deputies shall position the camera to facilitate optimum recording field of view. The Axon Body model shall be worn on the uniform shirt or carrier vest, facing forward, between the waist area and the shoulders. Deputies shall dock their issued camera for automated upload of BWC data files daily at the end of their shift at the docking station to ensure storage capacity is not exceeded and/or to view uploaded audio/video. Deputies operating take home vehicles may dock their camera at the end of their shift and then take their assigned vehicle home. It will be the responsibility of the deputy to pick up their camera as soon as practical at the beginning of their next shift. It is recognized deputies may make enforcement stops to and from work which may result in those stops not being recorded.

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Body Worn Cameras (BWC's)

430.4 USE OF RECORDER

There are many situations where the use of the BWC is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, deputies should activate the system any time they feel its use would be appropriate and/or valuable to document an incident. Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, deputies shall make every reasonable effort to activate their BWC cameras prior to making contact in any of the following incidents: (a) Field encounters that may include, but are not limited to dispatched calls, self-initiated activities, traffic stops, vehicle checks, pedestrian checks, consensual encounters or any other investigative/enforcement encounters. (b) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording. (c) Deputies may activate the BWC before or during any other incident at their discretion. (d) A deputy shall have the latitude to end a recording upon completion or termination of the field encounter or contact. In most cases, the camera should remain activated and recording during the entire duration of the field encounters described above in (a). A deputy is authorized to mute the BWC when confidential, sensitive, or tactical information may be recorded. When the muting function is activated, deputies shall verbally indicate the reason for muting prior to activating the mute function. The mute function shall be disabled once the confidential, sensitive, or tactical information has been shared. It shall be deemed a violation of this policy for a deputy to fail to activate the device or intentionally terminate a recording in order to commit a violation of law or department policy. (e) Deputies shall not use the BWC recording functions to record any personal conversation of or between another department member or employee, or trainings and briefings without the recorded members/employee's knowledge or permission. (f) Deputies have no obligation to advise the public that he or she is being recorded but may do so at their discretion. In cases where the public requests that they not be recorded, and the deputy agrees not to record, deputies should record their request prior to turning the camera off. When a deputy is already recording, he or she shall record their explanation prior to turning the camera off. **VICTIMS AND WITNESSES** g. Deputies should generally record interviews of crime victims and witnesses. Deputies have no obligation to advise a victim or witness that he or she is being recorded, but may do so at their discretion. In circumstances where victims or witnesses do not want to be recorded and the deputy agrees not to record, deputies should record their request prior to turning the camera off. When a deputy is already recording, he or she shall record their explanation prior to turning the camera off.

BODY WORN CAMERA SYSTEMS

(a) o Witnesses - In the event a crime witness or a member of the community wishes to report or discuss criminal activity anonymously, deputies have the discretion to not record

o Victims - Deputies should record interviews of crime victims, unless otherwise requested by the victim. Upon request by the victim, deputies have the discretion to not record the interview. 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.

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Unauthorized use, duplication, and/or distribution of BWC files are prohibited. Personnel shall not make copies of any BWC file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWC files.

430.5 RESPONSIBILITIES

Personnel utilizing the BWC shall be responsible for the following: (a) Ensuring the camera is docked daily and the battery is fully charged and operating properly. (b) Immediately reporting unresolved equipment malfunctions and/or problems to their supervisor (c) Monitoring system effectiveness and making recommendations for operational improvement and policy revision. (d) Documenting the use of the BWC on one of the following: 1. In the police report/computer entry (a) Document that the incident was captured on BWC. (b) If the BWC was turned off prior to the completion of the incident, that should also be noted in the report and the reason explained for the video termination. (e) Once video of evidentiary value is captured, deputies shall identify BWC files by: 1. When assigned, noting the KCSO case number in the Case ID Field. 2. Entering a title. The title should include sufficient information to identify the file, such as crime code, suspect name, location, event, etc. 3. Selecting the appropriate category(s). 4. The information may be entered via mobile device, MDT, or KCSO computer work station via the EVIDENCE.COM website

430.5.1 COORDINATOR

The Coordinator(s) are designated by the Sheriff and have oversight responsibilities to include, but not limited to, the following:

- (a) Operation and user administration of the system.
- (b) System evaluation and maintenance.
- (c) Training.
- (d) Policy and procedure review and evaluation.
- (e) Coordination with IT and EVIDENCE.COM regarding system related issues.
- (f) Ensure BWC files of evidentiary value are downloaded, secure and retained per this policy.
- (g) Ensure BWC files are reviewed and released in accordance with federal, state, local statutes and County of Kings/Kings County Sheriff's Office retention policy.
- (h) The Coordinator or designee will report unresolved deficiencies to AXON for immediate repair or replacement.

430.5.2 SUPERVISORY

The supervisors responsibilities are as follows: (a) Supervisors will ensure deputies utilize the BWC according to policy guidelines. (b) Supervisors may review recordings to ensure reports are accurate before approval. (c) Supervisors shall ensure videos related to critical incidents are uploaded to EVIDENCE.COM. (d) Supervisors may have the ability to immediately resolve citizen complaints by reviewing video captured by the BWC. In those circumstances where a complaint

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is resolved with no further action needed, supervisors shall add an additional category of citizen complaint to the video and make appropriate notes in the notes section of EVIDENCE.COM. This will allow the department to capture complaint incidents that are resolved by this camera system.

(e) It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident. (f) The supervisor shall contact the System Administrator or designee upon learning of any reported problems or malfunctions of issued BWC equipment.

430.6 REVIEW OF RECORDINGS

All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees authorized under this policy may review video according to the provisions of this policy. Once uploaded to EVIDENCE.COM, personnel may view their own audio/video data. EVIDENCE.COM automatically time/date stamps and records each access by deputy name. Prior to viewing any data, deputies shall document the specific reason for access on the video file page in the "NOTES" section. An employee may review BWC files as it relates to:

(a) Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports. Employees shall not retain personal copies of recordings. Employees should not use the fact that a video recording is available to write a less detailed report. The fact that BWC evidence exists for an incident shall be noted in the report.

(b) Prior to courtroom testimony or for courtroom presentation.

(c) Providing a statement pursuant to an administrative inquiry, including deputy involved shooting investigations.

(d) Critical Incidents: Deputies are encouraged to consult legal representation and may review the video prior to providing a statement pursuant to an administrative inquiry.

1. When safe and practical, an on scene supervisor may retrieve the BWC from the involved deputy(s) at the scene. The supervisor will be responsible for assuring the camera is docked and uploaded into EVIDENCE.COM.

2. Following a time sensitive critical incident, a video may be viewed prior to being uploaded in EVIDENCE.COM:

(a) When exigent circumstances occur, such as a deputy being injured and to obtain identifying suspect information or other pertinent information.

(b) To allow investigators to view the video in order to assist in an investigation.

(e) For potential training purposes - the BWC video in question shall be reviewed by the Sheriff or his/her designee first, to decide whether the content of the video supports further review by others to be used for training purposes, and upon first review is not or does not appear to have the potential to become evidence of an internal affairs investigation, complaint, or other civil action.

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The Sheriff or his/her designee can, at any time, refuse to allow a BWC to be used for training purposes.

(f) Employees may also review a BWC file if they are assigned to an official investigation as it relates to a personnel complaint, Internal Affairs investigation or other administrative investigation such as:

1. Discipline Review Boards

2. Accident Review Boards

(g) In compliance with a public records request, if permitted, and in accordance with the Records release policy and state or federal laws as authorized by the Sheriff or his/her designee.

(h) Although the system is designed not to allow it, any tampering with or deletion of recordings is specifically prohibited.

For official use, EVIDENCE.COM shall only be accessed from Department authorized computers or devices, Department workstations or MDT's. Exception: Administrative users of EVIDENCE.COM may access EVIDENCE.COM from a computer or device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users, etc.

The Sheriff has the discretion to allow viewing or release of recorded files if the Sheriff determines it is in the best interest of the Kings County Sheriff's Office or the County of Kings. When appropriate, every effort will be made to notify involved employees prior to release.

430.7 RELEASE OF OFFICIAL VIDEO TO THIRD PARTIES

Some video captured by the AXON camera is evidence. The release of video captured by the AXON camera to any third party will be processed in a manner consistent with applicable laws. In General, video captured by the AXON camera shall not be released to third parties unless expressly authorized by the Sheriff, or designee. In rare circumstances, the Sheriff may elect to release video when the public interest served by the disclosure of the video outweighs the public interest served by the non-disclosure of the video. When considering whether disclosure is warranted, the Sheriff (or designee) should also consider the privacy rights and impacts of the disclosure on the involved individual member(s). Should the Sheriff determine that disclosure is necessary, he/she should provide as much advance notice as practical to those involved member(s). When video(s) have been authorized for release to a third party other than the District Attorney's office, the system coordinator, or his designee, should review the video and assess if redaction is necessary based on incident type or privacy laws. A copy of the Kings County Sheriff's Office BWC policy has been posted to the department website: <https://www.countyofkings.com/departments/public-safety/sheriff>. When criminal charges are being sought in a case, all related recordings will be provided to the District Attorney's (DA's) office securely using AXON's EVIDENCE.COM software.

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When considering whether disclosure is warranted, the Sheriff may also consider the privacy rights and impacts of the disclosure on the involved member(s). Should the Sheriff decide disclosure is necessary, they should provide as much advanced notice as practical to those involved members.

430.7.1 REQUEST FOR DELETION OF ACCIDENTAL RECORDINGS

Request for Deletion of Accidental Recording

(a) In the event of an accidental activation of the BWC where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the BWC file be deleted by submitting an email request with sufficient information to locate the BWC file to the Operation Division Commander or designee who shall review the file, approve or deny the request, and forward to the System Administrator for action.

430.7.2 COPYING PROCEDURES

(a) A copy of the BWC file may be made by the involved deputy in accordance with the provisions of this policy for evidence.

(b) If the video is in fact evidence to a case, the deputy may make a copy of the video for court appearances if necessary such as a request by the District Attorney.

(c) A copy of the BWC file may be made for training purposes if authorized by the Sheriff or his/her designee pursuant to section 430.6 (c) 5 of this policy.

(d) Other than as provided in this policy, no member of this Department shall download any video from EVIDENCE.COM onto any computer, device, drive, CD, DVD or any other format without the express consent of the Sheriff.

430.7.3 USE OF BWC FILE FOR CRIMINAL OR INTERNAL INVESTIGATION

Investigators conducting criminal or internal investigations shall:

(a) Advise the System Administrator to restrict access/public disclosure of the BWC file in criminal or internal investigations, when necessary.

(b) Document the reason for access by entering the related Citizen Complaint or IA Case number on the BWC "NOTES" field prior to viewing.

(c) Review the file to determine whether the BWC file is of evidentiary value and process in accordance with established procedures.

(d) Notify the System Administrator to remove the access restriction when the investigation is closed.

430.7.4 USE OF BWC FILES FOR TRAINING PURPOSES

(a) A BWC file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a BWC file for such purpose may come from any source

(b) A person recommending utilization of a BWC file for training purposes shall submit their recommendation through the chain of command to the Sheriff or his designee.

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(c) If an involved deputy or employee objects to the showing of a recording, his/ her objection will be submitted to the Sheriff or his designee to determine if the employee's objection outweighs the training value.

(d) After a meeting with the affected employee and his/or chosen representative, the Sheriff or designee shall review the recommendation and determine how best to utilize the BWC file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g. policy, Training Bulletin, Officer Safety Bulletin, briefing or other training – also see section 452.6 (c)5)

430.8 CATEGORY AND RETENTION

Employees utilizing the BWC shall identify each video by category. In the event a video is taken that does not fall into a listed category and has no apparent evidential or administrative value, the deputy may leave the video as uncategorized. Retention periods are established by the Sheriff in accordance with state/federal mandates (KCSO Policy 429.10). Categories are selected based on the statutory retention requirements for the incident, and range from one year to an indefinite period of time. The following are approved identifying categories:

- o Call for Service-No Crime
- o Citizen Contact
- o Traffic Accident
- o Traffic Stop/Ped Check
- o Misdemeanor Arrest
- o Misdemeanor Investigation-No Arrest
- o Felony Arrest o Felony Investigation-No Arrest
- o Sex Crime
- o Use of Force
- o Officer Injury
- o Homicide/Death Investigation
- o Training
- o Other/Accidental Activation
- o Citizen Complaint / I.A. o WC Administrative Interview
- o K-9 Use (Handler Use Only)
- o Positive Encounter
- o SWAT Incident

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430.9 AUDIT RESPONSIBILITIES

The system coordinator, or his or her designee, will conduct periodic, random audits to ensure the AXON camera system is operating properly.

Medical Marijuana

431.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

431.1.1 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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431.2 POLICY

It is the policy of the Kings 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 Kings 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.

431.3 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.

431.3.1 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.

431.3.2 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.

431.3.3 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).

431.3.4 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Deputies should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

431.3.5 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

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- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at a later time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 - 4. Other relevant factors, such as available office resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, deputies should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
 - 1. The amount of marijuana recommended by a medical professional to be ingested.
 - 2. The quality of the marijuana.
 - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 - 5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, deputies should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

431.3.6 EXCEPTIONS

This policy does not apply to, and deputies should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

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- (c) Smoking marijuana (Health and Safety Code § 11362.79):
 - 1. In any place where smoking is prohibited by law.
 - 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 - 3. On a school bus.
 - 4. While in a motor vehicle that is being operated.
 - 5. While operating a boat.
- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

431.4 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.

431.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section may, as soon as practicable, return to the person from whom it was seized, with a valid court order, any useable medical marijuana, plants, drug paraphernalia or other related property. The recipient shall sign a hold harmless agreement relieving the County of Kings, the Kings County Sheriff's Office, the Sheriff and or any Sheriff's Office employee of any liability upon receipt of said property.

The Property and Evidence Section 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.

Narcotics Enforcement Procedures

432.1 PURPOSE AND SCOPE

To establish policies and procedures for enforcement of narcotic laws and disposition of narcotic evidence.

432.2 GENERAL PROCEDURES

- (a) 1. An investigation shall be made of all reported or suspected violations of state and federal narcotic laws
2. Most narcotic investigations are made by field deputies as a result of traffic stops, field interrogations, citizen information, and personal observations. These investigations, which normally take a short time, are within the scope of a field deputy's duties.
3. Since the field deputy must remain "in-service" as much as possible, involvement in any narcotics investigation which will take him "out-of-service" for an extended period of time, shall not be initiated without the approval of his immediate supervisor, or in his absence, the Watch Commander. In the absence of approval by his supervisor or the Watch Commander, the Detective or Narcotics unit shall be notified and the responsibility for investigation will be assumed by that unit.
4. On occasion, circumstances which warrant an initial inquiry, will change during a field narcotic investigation. When it becomes apparent that a time-consuming investigation must be made, the field deputy, unless otherwise directed by his supervisor or Watch Commander, shall end his involvement at a point which will not impair the investigation, and shall submit all information to the Detective or Narcotics Unit by phone or in writing, whichever is more expeditious.

432.3 ENFORCEMENT PROCEDURES/DISPOSITION OF NARCOTIC EVIDENCE

ENFORCEMENT PROCEDURES/DISPOSITION OF NARCOTIC EVIDENCE Felony Offenses.

All persons who are in violation of felony narcotics laws, shall be taken into custody. If circumstances exist, which prevent an immediate arrest, the narcotic evidence shall, in all cases, be impounded and a report made by the investigating deputy.

This report will serve as the basis for determining whether a warrant of arrest may be issued.

Violations of Health and Safety Code Section 11357(b) (Simple Possession of One Ounce of Marijuana or Less) and 11360(b) (Giving Away, Offering to Give Away, or Transporting One Ounce or Less of Marijuana) Violators of these laws MUST be issued an Adult Field Release Citation, provided satisfactory evidence of identity is presented and a written promise to appear in court is given.

Other misdemeanor narcotic offenders should ordinarily be booked into jail.

- A. It is not within the scope of a field deputy's authority to decide not to take enforcement action, even though the controlled substance is, in the mind of the deputy, not a "usable

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amount." The Courts and prosecuting agency, not the deputy, have the responsibility to determine whether the amount of the narcotic evidence, impounded in each case, is considered a "usable amount." "Usable amount" can be generally defined as any narcotic substance saved for later use, and could include a partially smoked marijuana cigarette or a single pill. An exception to this would be random debris, obviously not being saved, which might be found on the floorboard of a vehicle, the bottom of a shirt pocket, in an ashtray, etc. Such particles are good corroborative evidence to support a charge based on other evidence, but will not support a charge alone.

- B. The California Health and Safety Code sections 11474, 11474.5, 11475, 11479, 11479.1 and 11479.2 governs the seizure and disposition of controlled substances. All controlled substances and paraphernalia coming to the attention of any deputy shall be seized and ultimately destroyed whether or not an arrest is made or a trial held.
- C. Destruction of any amount of a controlled substance, in any manner other than prescribed by law, is prohibited. Therefore, pursuant to the law, ALL NARCOTIC EVIDENCE COMING INTO THE POSSESSION OF A DEPUTY SHALL BE IMPOUNDED WITHOUT EXCEPTION.
- D. In some instances involving small quantities of pills that are not readily recognizable as controlled substances, deputies may seize the pills and submit appropriate reports without making a physical arrest. In these cases, complaints will be obtained at a later time if the evidence warrants.
- E. All narcotic evidence shall be placed preferably in a Department of Justice Narcotics Evidence envelope, and the face of the envelope completed in detail. The evidence will then be turned over to the evidence custodian for storage or transportation to the appropriate laboratory.

Drug Influence Testing Procedure

433.1 PURPOSE AND SCOPE

PURPOSE

To establish a drug influence testing procedure and set the policy for its use.

POLICY

It is important for deputies to recognize that the blood and urine testing program to determine drug and narcotic influence, is a scientific aid which is vital in successful prosecution; it cannot, however, be considered as a basis for arrest. The observations and investigations made by the arresting deputy are always of great importance. The object of the testing procedure is to provide scientific evidence of the existence of drugs or narcotics in the arrested person's body.

433.2 RECOVERY OF TEST SAMPLES

- (a) Urine samples.
 1. (a) Urine sample bottles are available in the jail.
 - (b) The sample bottles contain a preservative (white powder) that has been added by the laboratory. If the arrested person questions the presence of the powder and refuses to cooperate because of it, REMOVE the preservative. Place the powder on a piece of paper and place it back in the bottle after the urine sample has been collected.
 - (c) Male/Female Suspects: the giving of the urine sample MUST be witnessed by the arresting deputy if they are of the same sex. If they are of the opposite sex utilize a Deputy of the same sex from either the Patrol or Detention Division.
 - (d) The deputy witnessing the urine sample, must fill out the sample bottle label completely.
 - (e) Urine samples shall be placed in the evidence refrigerator.
2. Blood Samples.
 - (a) When having blood drawn, request a drug and alcohol screen.

433.3 GENERAL TESTING PROCEDURES FOR RECOVERY OF EVIDENCE

- (a) 1. Blood Tests
 - (a) Blood will be drawn only by qualified medical or technical personnel at approved facilities, which includes the jail.
 - (b) Vials, envelopes, labels, etc., supplied by Department of Justice or the evaluating lab will be the only containers and equipment used.
 - (c) Chain of custody of the sample will be maintained and logged. The requesting deputy shall receive the blood sample and place it into the

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evidence refrigerator for transportation to the appropriate facility for testing.

2. Urine Tests

- (a) Urine tests will be supervised and observed by the arresting deputy, except when arresting deputy and subject are of the opposite sex.
- (b) Urine testing equipment is available in the jail.
- (c) The suspect will urinate into the plastic bottle until the bottle is at least one-eighth full.
- (d) Fillout the label on the bottle completely. Indicate first or second voiding.
- (e) Complete the request for analysis form specify the drug to be tested for, if the sample is for drug analysis.
- (f) Deputy requesting sample will maintain evidence control and place the sample in the evidence refrigerator for transport to the appropriate facility for testing.

Foot Pursuits

434.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

434.2 DECISION TO PURSUE

The safety of department members 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 department members.

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

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 may place department members 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 a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

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Foot Pursuits

434.3 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The deputy is acting alone.
- (c) Two or more deputies become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his/her location and direction of travel.
- (e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.
- (g) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to 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.
- (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 department members or the public if the suspect is not immediately apprehended.

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- (o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

434.4 RESPONSIBILITIES IN FOOT PURSUITS

434.4.1 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.

434.4.2 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

434.4.3 THE DISPATCH CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved deputies.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

434.4.4 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.

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Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the foot 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 dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

434.5 REPORTING REQUIREMENTS

The initiating deputy shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and deputies.
- (f) 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 Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

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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.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

434.6 POLICY

It is the policy of this department that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

Crisis Intervention Incidents

435.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

435.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

435.2 POLICY

The Kings County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

435.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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Crisis Intervention Incidents

435.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

435.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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435.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

435.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

435.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

435.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

435.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

435.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

435.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to

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these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

435.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

Public Recording of Law Enforcement Activity

436.1 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.

436.2 POLICY

The Kings 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.

436.3 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.

436.4 DEPUTY RESPONSE

Deputies should promptly request that 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 behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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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.

436.5 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.

436.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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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)

437.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

437.2 POLICY

The policy of the Kings County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this office. Because such data may contain confidential information, it is not open to public review.

437.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Kings 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. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Division Commander. The Administration Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

437.3.1 ALPR ADMINISTRATOR

The Administration Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the office's website.

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437.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Office members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official 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 office shall operate ALPR equipment or access ALPR data without first completing office-approved training.
- (e) No ALPR operator may access office, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the deputy should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

437.5 DATA COLLECTION AND RETENTION

The Administration Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with office procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

437.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Kings County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

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- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or office-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

437.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 1. The name of the agency.
 2. The name of the person requesting.
 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Administration Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

437.8 TRAINING

The Training Sergeant should ensure that members receive office-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Civil Disputes

438.1 PURPOSE AND SCOPE

This policy provides members of the Kings County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

438.2 POLICY

The Kings County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

438.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

438.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

438.4.1 STANDBY REQUESTS

Deputy responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

438.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

438.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

First Amendment Assemblies

439.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

439.2 POLICY

The Kings County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

439.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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439.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

439.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

439.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

439.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

439.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

439.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

439.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

439.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

439.8 ARRESTS

The Kings County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

439.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

439.9.1 MEDIA ACCESS

If deputies close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, deputies shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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439.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

439.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Dispatch Center records/tapes
- (g) Media accounts (print and broadcast media)

439.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

439.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Office should, when practicable, train with its external and mutual aid partners.

Deputies should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

439.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by deputies who have received POST training for crowd control if the use is objectively reasonable

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to defend against a threat to life or serious bodily injury to any individual, including a deputy, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Deputies shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

439.13.1 USE SUMMARY

The Patrol Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the office website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Office at the time of the report and include the information required in Penal Code § 13652.1.

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439.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Deputy response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

Medical Aid and Response

440.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

440.2 POLICY

It is the policy of the Kings 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.

440.3 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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440.4 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.

440.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

440.6 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.

440.7 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.

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The Patrol Division Commander 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 Office 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 office 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.

440.8 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).

440.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in 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 Sergeant 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.

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Any member who uses an AED should contact the Dispatch Center as soon as possible and request response by EMS.

440.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

440.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant 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 Sergeant 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).

440.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

440.9.1 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 Sergeant.

Any member who administers an opioid overdose medication should contact the Dispatch Center as soon as possible and request response by EMS.

440.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Sergeant will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

440.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant 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).

440.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Sergeant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

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440.9.5 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).

440.10 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.

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

440.11 FIRST AID TRAINING

The Training Sergeant should ensure deputies receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Vehicle Code § 41603). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.1.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.1.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.1.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

500.2 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized

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by the deputy. The deputy shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The deputy will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.3 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

Traffic Collision Reporting

501.1 REPORTING SITUATIONS

501.1.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.1.2 TRAFFIC COLLISIONS WITH SHERIFF'S DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Kings County Sheriff's Office resulting in a serious injury or fatality, the Watch Commander or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

501.1.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Watch Commander or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

501.1.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

501.1.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision
- (b) When there is an identifiable violation of the Vehicle Code
- (c) When a report is requested by any involved driver

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Kings County Sheriff's Office. Nothing in this policy shall require the Office to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

Office members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Records Center as soon as practicable after the vehicle is stored.

502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Dispatch Center.

If the owner is incapacitated, or for any reason it is necessary for the Office to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call the official towing garage for the County of Kings County. The deputy will then store the vehicle using a CHP Form 180.

502.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping by 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.

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- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Office will not be responsible for theft or damages.

502.2.4 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.

502.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Office should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

502.2.7 RECORDS CENTER RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

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Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Center to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and 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 Office
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage
- (c) The authority and purpose for the removal of the vehicle
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice

502.3 TOWING SERVICES

The County of Kings County periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Office against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that 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.

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502.6 RELEASE OF VEHICLE

The Office 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 and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) 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 under any of the following circumstances:
 - 1. The vehicle was stolen.
 - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

502.7 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Kings County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Watch 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); Vehicle Code § 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 Department.

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); Vehicle Code § 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 14602.8(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 this department's 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 Department's 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 Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The Kings 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.

The Watch Commander will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS

The Watch Commander should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

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- (b) The person is under 21 years of age and is arrested by a deputy having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by a deputy having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 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, the deputy may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.2 BREATH SAMPLES

The Watch Commander should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Watch Commander.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

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

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alcoholic beverage and any drug. Evidence of the deputy's belief shall be included in the deputy's report (Vehicle Code § 23612(a)(2)(C)).

504.5.3 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.

504.5.4 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.

504.5.5 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).

504.5.6 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).

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504.5.7 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).

504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, deputies should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video if practicable.

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- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.7 RECORDS CENTER 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.

504.8 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.9 TRAINING

The Training Sergeant 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 Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

504.10 ARREST AND INVESTIGATION

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504.10.1 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 crash.
- (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.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.10.2 DEPUTY RESPONSIBILITIES

The deputy serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction of traffic citations.

505.2 RESPONSIBILITIES

The Operations Commander shall be responsible for the development and design of all Office traffic citations in compliance with state law and the Judicial Council.

The Operations Commander shall be responsible for the supply and accounting of all traffic citations issued to employees of this office.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department 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 Operations Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Operations Division Commander may 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 Division Commander for review.

505.4 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the corrections on a county approved citation amendment form and routed through the Records Division.

505.5 DISPOSITION OF TRAFFIC CITATIONS

All traffic citations issued by members of this department shall be forwarded to the Records Division. The citation copies shall then be filed with the Records and routed appropriate to the courts.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the 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.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

506.4 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.

600.2 POLICY

It is the policy of the Kings County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

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600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

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- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Office shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

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600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

Information obtained via the internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any office computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 3. Training requirements necessary for those authorized employees.
 4. A description of how the Office will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 5. Process and time period system audits.
 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with office security procedures, the office's usage and privacy procedures and all applicable laws.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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600.10 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Kings County Sheriff's Office reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this office or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside office jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this office should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for office use and are specific to this type of investigation.

The 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 Center Policy for additional guidance.

600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Office as lost or stolen, the Detective Unit supervisor shall assign a deputy to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Office (Penal Code § 28220).

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600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Detective Unit supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Office who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Center for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Center Policy for additional guidance).

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Kings County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

601.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic

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examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned deputy shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the deputy shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 1. The deputy shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the deputy or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

601.7.2 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this office shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

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When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

601.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned deputy shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned deputy determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the deputy shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned deputy shall continue to update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned deputy shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available

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information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 - 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 this office is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Sexual assault victims shall further have the following rights (Penal Code § 680):
 - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 - 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 - 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
 - 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned deputy informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
 - 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 or expected to release any information which might impede or compromise any ongoing investigation.

601.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

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601.8.4 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

601.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Unit supervisor.

Classification of a sexual assault case as unfounded requires the Detective Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10 CASE REVIEW

The Detective Unit supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Kings County Sheriff's Office seizes property for forfeiture or when the Kings 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 or its precursors.

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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.

602.2 POLICY

The Kings 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 Kings County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 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.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the 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.

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section 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.

602.6 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) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring 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

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guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:

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 (Health and Safety Code § 11488.4).
 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).

602.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (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).

602.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Kings County Sheriff's Office shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

602.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification

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of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Kings County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Kings County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Kings County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Sheriff or the authorized designee

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603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Division Commander, Narcotics Task Force supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Kings County Sheriff's Office, and that they shall not represent themselves as such.
- (d) The relationship between office members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics Task Force supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Narcotics Task Force supervisor.
 - 1. Deputies may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
- (g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

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603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.
- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this office to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Narcotics Task Force. The Narcotics Task Force supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Division Commander, Narcotics Task Force supervisor or their authorized designees.

The Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Narcotics Task Force supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the deputy initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Narcotics Task Force supervisor will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Sheriff.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

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- (a) Payments of \$500 and under may be paid in cash from a Narcotics Task Force buy/expense fund.
 - 1. The Narcotics Task Force supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the deputy who will be delivering the payment.
 - 1. The check shall list the case numbers related to and supporting the payment.
 - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 - 4. Authorization signatures from the Sheriff and the County Administrator are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.
 - 1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Kings County Sheriff's Office case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 - 2. The cash transfer form shall be signed by the informant.
 - 3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the 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 informant's file.

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603.6.3 AUDIT OF PAYMENTS

The Narcotics Task Force supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

Search Warrant Policy and Procedure

604.1 PURPOSE AND SCOPE

PURPOSE

To establish procedures for obtaining search warrants by telephone.

POLICY

As a result of the United States Supreme Court decision of CHIMEL v. California (1969), the right of police officers to conduct warrantless searches of residence, incident to an arrest, is limited to the person of the arrestee and the area within his immediate control. The courts have always had a preference for searches conducted with a warrant, and it is the policy of the Department, that deputies obtain search warrants whenever possible before searches of residence or offices are undertaken.

604.2 PROCEDURES TO OBTAIN SEARCH WARRANTS

DEPUTY PREPARATION:

Prepare a search warrant affidavit in the following format, for items the deputy desires to search and seize:

- (a) 1. A detailed listing of the affiant's expertise which enables him to properly interpret the reasons for probable cause in the search.
2. A chronological listing of information obtained during the investigation, which will demonstrate the probable cause for the search.
3. The officer's expert opinions as to why the information received during the investigation would warrant a search for evidence.

PROCEDURES FOR CONTACTING A JUDGE:

- (a) 1. Contact the Superior court judge in the jurisdiction where the search warrant is to be executed. If unavailable, contact another Superior Court Judge. If no Superior Court Judge is available contact the "On-Call" judge, via central dispatch.

604.3 EXECUTION AND RETURN OF SEARCH WARRANT

EXECUTION OF THE WARRANT

- (a) 1. Unless already inside the premises, the knock and notice announcement requirements must be followed prior to making entry.
2. Deputies shall note the time and date of the execution of the warrant.
3. The head of the household, if present, shall be allowed to read the original warrant and shall be given a copy of the warrant.
4. The "searching" deputy must make out three copies of the "Receipt and Inventory." The head of the household shall be given one copy and one copy shall be attached to the case.

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5. In all cases where practical, the functions of giving the affidavit, executing the warrant, and being the "searching" deputy, should be handled by one deputy in order to keep to a minimum the number of deputies who will be required to make court appearances.

RETURN OF WARRANT

The deputy who executed the search warrant must take the original search warrant and the original "Receipt and Inventory" to the judge who issued the warrant within 10 days of the issuance of the warrant. If the judge is unavailable, the deputy should take the documents to the presiding judge of the Superior Court.

Eyewitness Identification

605.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques (Penal Code § 859.7).

605.1.1 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.

605.2 POLICY

The Kings County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

605.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

605.4 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.

605.5 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).

605.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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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.

605.6.1 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).

605.6.2 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).

605.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

605.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

605.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be

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used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 1. The length of time the witness observed the suspect.
 2. The distance between the witness and the suspect.
 3. Whether the witness could view the suspect's face.
 4. The quality of the lighting when the suspect was observed by the witness.
 5. Whether there were distracting noises or activity during the observation.
 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Procedure for Extradition of Fugitives

606.1 PURPOSE AND SCOPE

The purpose of this departmental instruction is to establish a uniform procedure for extradition of fugitives. The Kings County Sheriff's Office, Support Division, has the responsibility of coordinating extradition proceedings.

Extradition of all fugitives arrested in Kings County for another state; which includes any local law enforcement arresting or booking a fugitive for another state; will be handled by the Support Division of the Kings County Sheriff's Office.

606.2 JAIL RESPONSIBILITIES RELATING TO EXTRADITION

THE JAIL PERSONNEL WILL WHEN A FUGITIVE IS BOOKED IN THE KINGS COUNTY JAIL:

- (a) 1. Immediately contact the Support Division. If the arrests are on holidays, weekends or nights, the Warrants Deputy will be advised the next working day. The Warrants Deputy will start extradition and handle the correspondence with the demanding state.
2. Advise demanding state of fugitive's arrest.
3. Confirm with demanding state that they will extradite fugitive.

606.3 DETECTIVE RESPONSIBILITIES RELATING TO EXTRADITION

A Detective will contact the fugitive in the jail.

- (a) 1. Explain process of extradition to fugitive.
2. Advise fugitive of his rights per Miranda Warning.
3. If rights waived by fugitive.
4. Identify fugitive as being the same person wanted by demanding state.
5. Ask fugitive if he will waive extradition
6. If fugitive wished to waive extradition
 - (a) Prepare (4) copies of waivers of extradition.
 - (b) Prepare a report for a complaint of 1551 PC to be filed in Hanford Superior Court. Include the name of the contact person from the demanding state, copy of warrant, and the waiver of extradition forms.
 - (c) The fugitive will appear in Hanford Superior Court. Fugitive and judge will sign waivers of extradition in open court.
 - (d) One copy of waiver will remain with court; one copy of waiver to Jail, and two copies to deputy handling case. One copy held by deputy will go to officer from demanding state upon pickup of fugitive.
 - (e) Send teletype to demanding state for pickup of fugitive within ten days, if fugitive waives extradition.

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- (f) Prepare report, using the charge of 1551 PC.
- (g) If fugitive changes his mind about waiving extradition after going to Hanford Superior Court or before judge signs the waiver, have fugitive remanded to Hanford Superior Court for next court day and proceed with complaint.
- (h) Advise demanding state that we will provide transportation for their officer(s) and make reservation at a motel if necessary.
- (i) Release fugitive from Jail to demanding state authorities, with a copy of waiver.
- (j) Close out case.

606.4 FAILURE TO WAIVE EXTRADITION BY THE FUGITIVE

If fugitive will not waive extradition:

- (a)
 1. Prepare crime report, using the charge of 1551 PC.
 2. Obtain fugitive complaint from District Attorney's Office, (1551 PC), a teletype warrant abstract and crime report will suffice for complaint.
 3. Sign complaint within 48 hours after fugitive is arrested.
 4. Fugitive arraigned in Hanford Superior Court within the 48 hours after arrest.
 5. Notify demanding state authorities of the fugitive's refusal to waive extradition and to begin their extradition proceedings, (Governor's Warrant).
 6. Request from demanding state "certified copies of the sworn charge (warrant of arrest) or complaint and affidavit upon which the warrant is issued, shall be attached to the warrant. Certified copies of the fugitive's fingerprints, photo, (1551 PC).
 7. After fugitive's arraignment in Hanford Superior Court the Court will set an identification hearing.
 8. The certified copies of the warrant or complaint, an affidavit must be here for the hearing.
 9. The fugitive's identity must be proven, either by photo, fingerprint identification or his own admission after waiving his rights.
 10. The identification hearing is to show two things; first demanding states paperwork is in order under California law and, second, the fugitive in custody is the same person wanted by the demanding state.
 11. If the court finds that the fugitive is the same person the demanding state wants and the demanding state's paperwork is in order, the judge may hold the fugitive for thirty days, pending Governor's warrant arrival. The court may extend the time for sixty days if the Governor's warrant has not arrived within thirty days.
 12. The fugitive may waive extradition upon his request, anytime prior to the arrival of the Governor's Warrant.

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13. After waivers are signed by the fugitive and the judge, have the District Attorney's office dismiss fugitive complaint and teletype the demanding state authorities for pickup fugitive.
14. Extend all cooperation to demanding state's officers, such as, transportation to and from airport, motel reservations, etc.
15. Close crime report.

606.5 OBTAINING A GOVERNOR'S WARRANT

- (a)
 1. If fugitive is in custody on local charges when Governor's warrant arrives, advise the District Attorney's Office, California Governor's Office, Extradition Secretary (916) 445-0873 of local charges.
 2. Make copy of Governor's warrant and give it to Jail as a "hold".
 3. No bail on Governor's warrant.
 4. Original warrant (Governor's) remains with Detective's case file.
 5. If the fugitive is in custody on fugitive charge, give a copy of the Governor's warrant to the jail and re-book fugitive on the Governor's warrant.
 6. Put fugitive on Superior Court calendar for appearance on next court day to be arraigned on Governor's warrant.
 7. If fugitive is out of custody on bail or O.R., then serve Governor's warrant on the fugitive and book into Jail. Make arrangements to have fugitive arraigned in Superior Court, on the Governor's warrant.
 8. Fugitive is always arraigned on Governor's warrant in Kings County Superior Court.
 9. The Governor's warrant is given to the court at arraignment.
 10. Fugitive may demand Governor's hearing, which can be refused by Governor.
 11. Fugitive may demand a Writ of Habeas Corpus hearing, which will be filed in Kings County Superior Court.
 12. The Governor's warrant is to be returned to the Detective's case file.
 13. If a Writ is filed, call California Governor's Office, Extradition Secretary (916) 445-0873 for original requisition papers for Writ hearing.
 14. Requisition papers are to be returned to Governor's Office after fugitive is in custody of demanding state authorities.
 15. If Writ of Habeas Corpus is denied and fugitive is remanded to our custody, contact demanding state for pickup of fugitive.
 16. When fugitive is turned over to the demanding state's authorities, the California governor's warrant will be returned by our deputy to the California Governor's Office, after the return has been completed on the back of said warrant.
 17. Close crime report.

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Procedure for Extradition of Fugitives

606.6 EXTRADITIONS WILL BE HANDLED BY THE SUPPORT DIVISION

Extradition of fugitives from Kings County will be handled by the Support Division of the Kings County Sheriff's Office.

- (a)
 1. Extraditions must be approved by the Support Division Commander and the District Attorney
 2. Secure necessary waivers from fugitive through the arresting agency. If fugitive refuses to waive extradition, initiate formal proceeding for a Governor's warrant of extradition.
 3. Forward necessary warrant of arrest to the arresting agency or any other paperwork they may need to hold warrant suspect and have ID hearing (Certified copies).
 4. Arrange transportation.
 5. Contact the appropriate extradition service and have them pickup the suspect in the allotted time.
 6. Preparation for the trip. If extradition services are unavailable.
 7. Obtain a copy of the teletype stating the fugitive is ready for pickup, and weapon authorization letter permitting the carrying of a firearm aboard an aircraft.
 8. Request advance travel pay.
 9. Contact travel agency and schedule the flight itinerary for yourself and the prisoner. (Itinerary will be on weapon authorization letter).
 10. Get original arrest warrant or certified copy.
 11. Contact holding agency and request transportation and accommodations.

606.7 DEPARTURE, ARRIVAL AND RETURN FLIGHT DURING EXTRADITION

- (a)
 1. The deputy will arrive at the air terminal at least one hour prior to flight time.
 2. The deputy will present the ticket agent with the weapon authorization letter and fill out necessary airline paperwork.

Arrival at the holding agency.

- (a)
 1. Contact the holding agency and make arrangements to take custody of the fugitive.
 2. Ascertain if any court appearances are required.
 3. Receipts must be obtained for all expenses, motel, meals, etc.

Return flight

- (a)
 1. Remain with the prisoner at all times unless prisoner is placed in a holding facility on long layovers.
 2. Contact the airline ticket agent at least one hour prior to departure and present weapon authorization letter.

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Procedure for Extradition of Fugitives

3. Most airlines will assign an armed officer and his prisoner to seats aboard an aircraft and will board them early
4. Book prisoner and make arrest report.
5. Close your extradition case
6. Submit expense receipts to the state.
7. Forward copy of waiver of extradition of copy of Governor's warrant to the District Attorney's Office so the county may be reimbursed for expenses for the state.
8. If fugitive was picked up on a Governor's warrant, then warrant must be filled out and returned to the Governor's Office.
9. When expense vouchers arrive from State, fill out and return to the State for reimbursement.

Carrying Weapons and Escorting Prisoners On Airplanes

607.1 PURPOSE AND SCOPE

PURPOSE

The right to carry firearms and escort prisoners on commercial airlines is strictly controlled by regulations issued and enforced by the United States Department of Transportation, Federal Aviation Administration.

DEFINITIONS

- A. "Deputy" means any Kings County Sheriff's Office law enforcement officer who is authorized by appropriate authority to carry weapons aboard an aircraft.
- B. "Responsible representative of the operator" means the operator's station manager or a person designated by him such as the supervisor in charge of the ticket counter.
- C. "Carriage of weapons aboard an aircraft" means carrying a firearm on or about the person, in a briefcase or other carry-on luggage, or in another place accessible to the deputy while aboard the aircraft.

607.2 GENERAL PROCEDURES

- A. Law enforcement authorities must limit their requests for the carriage of weapons aboard aircraft to situations which require an officer to be armed in flight to insure the safe completion of his mission.
- B. Flying to another city to attend court, to attend a conference, to attend legislative hearings, and other similar functions do not qualify for clearance to fly armed. Pleasure or vacation trips do not qualify.
- C. When carrying a weapon on a non-approved flight, the weapon must be carried in checked luggage, unloaded. The airline must be notified that the weapon is in the luggage. Deputies should be aware of the gun control laws of each state entered as different rules apply and a criminal offense may result from failure to conform to another state's law.
- D. In the case of Kings County Sheriff's Office personnel, requests will normally be made only for a deputy returning a prisoner from another city. In rare instances, it may be necessary for a deputy to fly armed while maintaining surveillance of another passenger, or while going to another city on an investigation.

607.3 SPECIFIC PROCEDURES/LETTER REQUESTING TO FLY ARMED

- (a) When a deputy's duties require that they fly armed, the department will provide them with a letter which will state the general nature of their mission (prisoner escort, surveillance investigation in another city, etc.) and the need for him to be armed.

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Carrying Weapons and Escorting Prisoners On Airplanes

- (b) The deputy must notify a responsible representative of the airline at least two hours in advance of departure time, or as soon as practical in an emergency, either by telephone or in person. When a prisoner is to be escorted, the deputy must give the representative the following information:
 - 1. Identity of the prisoner.
 - 2. The flight on which he will be carried.
 - 3. Whether the prisoner is considered dangerous.
 - 4. The airline representative will also require that the deputy be prepared to assure him that the prisoner does not have any article that could be used as a deadly or dangerous weapon on or about his person or property accessible to him while aboard the aircraft.
 - 5. The deputy is equipped with adequate restraining devices to be used in the event restraint becomes necessary.
- (c) On arrival at the airport, the deputy should identify himself to a responsible representative of the airline by showing his identification and letter of authorization. A badge is not sufficient identification. If possible the transporting Deputy's badge number and ID number should match. Such identification must be made in any case in which the deputy will be traveling while armed, whether or not a prisoner is being escorted, and whether or not the weapon is carried with the deputy or in his checked luggage.
- (d) When a weapon is not required, such as on an outgoing prisoner escort flight, it can be carried unloaded in checked luggage. The luggage in which the weapon is carried must be locked, with only the deputy in possession of the key, and the airline representative must be advised of the existence of the weapon.
- (e) Deputies must always avoid inadvertent display of a weapon or associated equipment such as handcuffs.
- (f) A deputy, while on prisoner escort duty, or at any time that he has a deadly weapon accessible to him while on board an aircraft, will not consume any alcoholic beverages.
- (g) In all cases wherein a prisoner is escorted.
 - 1. Two escorting deputies are required if the prisoner is considered dangerous. Only one dangerous prisoner is allowed on an aircraft. Whether or not a prisoner is considered dangerous is up to the discretion of the law enforcement agency that has custody.
 - 2. The airline representative may require the deputy and his prisoner to enplane first and deplane last, before and after the flight, and may seat them in the rear-most passenger seats which are neither in a lounge area nor near an aircraft exit.
 - 3. A prisoner will be accompanied by and under surveillance of at least one deputy at all times. Deputies will sit between the prisoner and aisle. Prisoners will not be allowed any alcoholic beverages. Deputies will supervise the serving of food or beverages and eating utensils.

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Carrying Weapons and Escorting Prisoners On Airplanes

- (h) Deputies on escort duty may be briefed by the airline representatives on procedures for carrying firearms on the aircraft. The representative may also inform the deputies of any other armed persons on the plane and may also inform other armed persons of the deputies presence.

Brady Material Disclosure

608.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

608.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Kings County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

608.2 POLICY

The Kings 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 Kings County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

608.3 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 Office case file.

608.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this office who is a material witness in a criminal case, the following procedure shall apply:

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Brady Material Disclosure

- (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.

608.5 INVESTIGATING BRADY ISSUES

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

608.6 TRAINING

Office members should receive periodic training on the requirements of this policy.

Unmanned Aerial System

609.1 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.

609.1.1 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.

609.2 POLICY

Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

609.3 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.

609.4 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 office operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and 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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- 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.

609.5 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.

609.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

609.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department 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 department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department 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) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department 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 Division Commander, 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 Finance Department.

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Department Owned and Personal Property

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

Portable Radios

701.1 PURPOSE AND SCOPE

To establish procedures for the control and use of portable radios.

701.2 RADIO ASSIGNMENT

- A. Portable radios are assigned to each deputy and other staff as necessary.
- B. Portable radios will be programmed with identifiers, such as the employees radio number.

701.3 OPERATING PROCEDURES

- A. Portable radios are to be used as an extension of the patrol unit or base station, not in lieu of.
- B. Deputies/Staff will not use portable radios to facilitate unauthorized absences from the patrol unit.
- C. Portable radios should be maintained in a charged status.
- D. Portable radios will not be altered or modified in anyway from the way it was issued, unless you have approval from the Communications Commander.

701.4 REPORTING LOST, STOLEN, OR MALFUNCTIONING PORTABLE RADIOS

- A. Lost or stolen portable radios must be reported immediately to a supervisor.
- B. Lost or stolen portable radio equipment shall be brought to the attention of the Division Commander by the supervisor concerned.
- C. Malfunctioning portable radios are to be reported to the immediate supervisor. Be specific when describing the nature of the problem.

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 or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Kings County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for office-related business or when the use reasonably implicates work-related misconduct.

702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a office-issued PCD. Office-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a office-issued PCD and use of a personal PCD at work or for work-

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related business constitutes specific consent for access for office purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

702.4 OFFICE-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Office-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by office procedures.
 - 1. Use of a personally owned PCD for work-related business constitutes consent for the Office to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 - 3. Searches of a personally owned PCD by the Office should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any office business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Office, without the express authorization of the Sheriff or the authorized designee.

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- (f) If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Kings County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in office business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate recordkeeping.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.
- (f) Members will not access social networking sites for any purpose that is not official office business. This restriction does not apply to a personally owned PCD used during authorized break times.

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- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

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.

Members who are operating office vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Office or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other office communications network.

Vehicle Maintenance

703.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

703.2 DEFECTIVE VEHICLES

When a department 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 vehicle maintenance for repair.

703.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

703.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

703.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

703.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

703.3.1 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:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves

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- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

703.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 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
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

703.4 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.

703.5 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.

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.

703.6 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”

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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.

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704.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the County of Kings County to provide assigned take-home vehicles.

704.2 POLICY

The Kings County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments, and other considerations.

704.3 USE OF VEHICLES

704.3.1 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

704.3.2 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Dispatch Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

704.3.3 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

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All data captured by the system shall be retained in accordance with the established records retention schedule.

704.3.4 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

704.3.5 AUTHORIZED PASSENGERS

Members operating office vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

704.3.6 ALCOHOL

Members who have consumed alcohol are prohibited from operating any office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

704.3.7 PARKING

Except when responding to an emergency or when urgent office-related business requires otherwise, members driving office vehicles should obey all parking regulations at all times.

Office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to office vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

704.3.8 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

704.3.9 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

704.3.10 INSPECTIONS

Members 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 shifts. 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.

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The interior of any vehicle that has been used to transport any person other than a member of this office 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 person in custody, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All office 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.

704.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

704.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other office members at the discretion of the Sheriff or the authorized designee.

704.4.2 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the County of Kings County is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Kings County may be required to secure the vehicle at a designated location or the Department at the discretion of the Sheriff.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:

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- (a) In circumstances when a member has been placed on call by the Sheriff or Division Commanders and there is a high probability that the member will be called back to duty.
- (b) When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
- (c) When the member has received permission from the Sheriff or Division Commanders.
- (d) When the vehicle is being used by the Sheriff, Division Commanders or members who are in on-call administrative positions.
- (e) When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked legally at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee. All firearms and kinetic impact weapons shall be properly secured in the provided vehicle gun lock system and/or the residence. (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for extended periods of time.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

704.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Kings County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those

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circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their office-issued identification. Deputies should also ensure that office radio communication capabilities are maintained to the extent feasible.

704.4.4 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Office. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that the assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the office supervisor in charge of vehicle maintenance.
- (d) The Office shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

704.4.5 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where office vehicles must be used by members to commute to and from a work assignment. Members may take home office vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the office.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Kings County County limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.

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- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

704.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is generally restricted to the respective division and the assigned member.

704.6 DAMAGE, ABUSE AND MISUSE

When any office vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any office vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

704.7 ATTIRE AND APPEARANCE

When operating any office vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Office.

Cash Handling, Security and Management

705.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

705.2 POLICY

It is the policy of the Kings County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

705.3 PETTY CASH FUNDS

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

705.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

705.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff or the County.

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Cash Handling, Security and Management

705.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Narcotics Task Force supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

705.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Military Equipment

706.1 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).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The Kings County Board of Supervisors.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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Military Equipment

706.2 POLICY

It is the policy of the Kings County Sheriff's Office that members of this office comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 USE CONSIDERATIONS

(a) The military equipment acquired and authorized by the Department is:

1. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. If purchased, reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(b) Military equipment shall only be used by a Department employee after applicable training, including a course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.

706.4 MILITARY EQUIPMENT COORDINATOR

The Sheriff should designate a member of this office to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying office equipment that qualifies as military equipment in the current possession of the Office, or the equipment the Office intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Kings County Sheriff's Office (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the office's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Sheriff and ensuring that the report is made available on the office website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Office will respond in a timely manner.

706.5 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Office:

[See attachment: Annual Report for 2022.pdf](#)

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706.6 APPROVAL

The Sheriff or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the office website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (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.

706.7 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by other jurisdictions that are providing mutual aid to the Department or operating in conjunction in a law enforcement capacity with the Department, shall comply with their respective military equipment use policies in rendering mutual aid.

706.8 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 within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Sheriff or the authorized designee should also make each annual military equipment report publicly available on the office website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in office inventory.

706.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Office shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Office

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should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

706.10 PUBLIC SUBMITTAL OF COMPLAINTS, CONCERNS, AND/OR QUESTIONS

Any member of the public wishing to submit a complaint, concern, or question regarding the Kings County Sheriff's Office's acquisition or use of each specific type of military equipment can contact the Department via phone at (559) 584-1431 or by writing to:

Kings County Sheriff's Office

Attention: Military Equipment Coordinator

1444 W. Lacey Blvd.

Hanford, CA 93230

Chapter 8 - Support Services

the Dispatch Center

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Dispatch Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Kings County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Dispatch Center and department members in the field.

800.3 THE DISPATCH CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Dispatch Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Dispatch Center.

Access to the Dispatch Center shall be limited to the Dispatch Center members, the Watch Commander, command staff and department members with a specific business-related purpose.

800.4 RESPONSIBILITIES

800.4.1 COMMUNICATIONS MANAGER

The Sheriff shall appoint and delegate certain responsibilities to a Communications Manager . The Communications Manager is directly responsible to the Support Division Commander or the authorized designee.

The responsibilities of the Communications Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Dispatch Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Dispatch Center information for release.
- (f) Maintaining the Dispatch Center database systems.
- (g) Maintaining and updating the Dispatch Center procedures manual.
 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim

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of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.

800.4.2 ADDITIONAL PROCEDURES

The Communications Manager should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for the Dispatch Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

800.4.3 DISPATCHERS

Dispatchers report to the Communications Manager . The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

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the Dispatch Center

4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
 - (c) Inquiry and entry of information through the Dispatch Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
 - (d) Monitoring department video surveillance systems.
 - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
 - (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
 1. Vehicle pursuits.
 2. Foot pursuits.
 3. Assignment of emergency response.

800.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Dispatch Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

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If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

800.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

800.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

800.6 RADIO COMMUNICATIONS

The sheriff's radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Kings County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

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800.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

800.7 DOCUMENTATION

It shall be the responsibility of the Dispatch Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

800.8 CONFIDENTIALITY

Information that becomes available through the Dispatch Center may be confidential or sensitive in nature. All members of the Dispatch Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

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800.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

Property and Evidence

801.1 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.

801.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Office for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Items not accepted as safekeeping include alcohol, cigarettes, tobacco, tobacco pipes, lighters, matches, or perishable.

801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property sheet. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

801.3.1 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) Mark each item of evidence 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) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property sheet shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the evidence cage. Submit the completed property sheet into a numbered locker indicating the location of the property.

801.3.2 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

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 Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

801.3.3 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, shall be booked as found property for storage.
- (c) All bicycles and bicycle frames require a property record. Metal tags will be securely attached to each bicycle or bicycle frame. The property shall be placed in the bicycle storage area.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking deputy and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.3.4 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked in a heat sealed bag.

The deputy seizing the narcotics and dangerous drugs shall place them in the designated locker.

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801.3.5 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 Office has complied with the requirements of Penal Code § 33850 et seq.

The Evidence Technician shall ensure Records 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 Center Policy).

801.4 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

801.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes may be used to package knives, and syringe tubes should be used to package syringes and needles.

801.4.2 PACKAGING NARCOTICS

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by a copy of the property sheet.

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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 tape. Narcotics and dangerous drugs shall not be packaged with other property.

801.5 RECORDING OF PROPERTY

The Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and the property was received and where the property will be stored.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property sheet

Any changes in the location of property held by the Kings County Sheriff's Office shall be noted on the evidence sheet.

801.6 PROPERTY CONTROL

Each time the Evidence Technician receives property or releases property to another person, he/she shall enter this information on the property sheet. Deputies desiring property for court shall contact the Evidence Technician at least two days prior to the court day.

801.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence sheet shall be completed to maintain the chain of evidence.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Evidence Technician. This request may be filled out any time after booking of the property or evidence.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property sheet and the request for laboratory analysis.

The Evidence Technician releasing the evidence must complete the required information on the property sheet and the evidence. The lab forms will be transported with the property to the examining laboratory.

801.6.3 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 on the property sheet, stating the date, time and to whom released.

The Evidence Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property sheet, indicating date, time, and the person who returned the property.

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801.6.4 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 sheet.

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.

An Evidence Technician 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 sheet. After release of all property entered on the property sheet, the property sheet shall be forwarded to the Records Center for filing with the case. If some items of property have not been released, the property sheet will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented on the Property Sheet.

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 and Evidence Section 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 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).

801.6.5 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

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All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Office may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

801.6.6 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 Evidence Technician shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

801.6.7 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 Kings 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.

801.6.8 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 a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Office shall make the firearm or weapon available for return. No firearm will be returned unless and until

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the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

- (c) Unless the person contacts the Office to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

801.6.9 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Office shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

801.7 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.

801.7.1 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)

801.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Office shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

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Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this office to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

801.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation 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 or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

801.8 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.

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- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
- (c) An annual audit of evidence held by the Office shall be conducted by a Division Commander (as appointed by the Sheriff) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

Records Center

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Kings County Sheriff's Office Records Center. The policy addresses office file access and internal requests for case reports.

802.2 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records by Records personnel.

Reports are numbered commencing with the last two digits of the current year followed by an alphanumeric identifier "K" and then a sequential number beginning with 000001 starting at midnight on the first day of January of each year. As an example, case number YYK000001 would be the first new case beginning January 1 of a new year.

802.3 POLICY

It is the policy of the Kings County Sheriff's Office to maintain office records securely, professionally, and efficiently.

802.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Records Manager should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Office and the record reflects only a detention.
- (c) The California DOJ is notified.

802.5 FILE ACCESS AND SECURITY

The security of files in the Records Center must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Center, accessible only by authorized members of the Records Center. Access to case reports or files when Records Center staff is not available may be obtained through the Watch Commander.

The Records Center will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

802.6 CASE REPORTS

Generally, case reports shall not be printed by any office member except Records Center staff. Should a case report be needed for any reason, the requesting office member shall contact the Records Center to make such a request.

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All original case reports to be removed from the Records Center shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Center. The photocopied report shall be shredded upon return of the original report to the file.

802.7 CONFIDENTIALITY

Records Center staff has access to information that may be confidential or sensitive in nature. Records Center staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Center procedure manual.

Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The Kings 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.).

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office public records.
- (b) Maintaining and updating the office records retention schedule including:
 1. Identifying the minimum length of time the Office must keep records.
 2. Identifying the office division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the office's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all office current standards, policies, practices, operating procedures, and education and training materials are posted on the office website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Office website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Office's website (Government Code § 7922.710; Government Code § 7922.720).

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803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this office, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Office is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain office records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Office shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 - 2. If the record requested is available on the office website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Office. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (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.

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any office record, including traffic collision reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 2. The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying

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- or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
 - (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating deputies (Evidence Code § 1041; Government Code § 7923.605).
 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
 - (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the [District/County Attorney], the County Counsel, or the courts pursuant to Penal Code § 1054.5.
 - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
 - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
 - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
 - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
 - (l) Any record created exclusively in anticipation of potential litigation involving this office (Government Code § 7927.200).
 - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (n) Records relating to the security of the office's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

803.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the office name and to whom the record was released.

Each audio/video recording released should include the office name and to whom the record was released.

803.8 SEALED RECORD ORDERS

Sealed record orders received by the Office shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Manager shall ensure that the required notations on local summary criminal history information and police investigative

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reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

803.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

803.9 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Office information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Office determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
 - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
 - 3. Medical information
 - 4. Health insurance information
 - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
 - 6. Unique biometric data
 - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

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803.9.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
 - 1. The date of the notice.
 - 2. Name and contact information for the Kings 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 license or California identification card number.
- (b) The notice may also include information about what the Kings County Sheriff's Office has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
 - 1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Office in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 - 2. When the breach involves an email address that was furnished by the Kings County Sheriff's Office, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

803.9.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - 1. Written notice.
 - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

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3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Office does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Office has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the office's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
 - (b) If a single breach requires the Office to notify more than 500 California residents, the Office shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

803.10 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 Internal Affairs Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

803.10.1 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 Office knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Office demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

803.10.2 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):

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- (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.

803.10.3 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 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).

803.10.4 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 Office may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Office determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written

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notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Office may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

Protected Information

804.1 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 Kings County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Kings 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.

804.2 POLICY

Members of the Kings 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.

804.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office 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.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Kings 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.

804.4.1 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).

804.5 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 Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Center to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

804.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Office after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

804.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of deputies, other office members, or the public is at risk, only summary information may be transmitted.

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In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDT or office-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the 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.

804.6.1 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 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).

804.7 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.

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804.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

Computers and Digital Evidence

805.1 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.

805.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property 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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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.

805.2.1 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.

805.2.2 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.

805.3 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 Property and Evidence Section 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.

805.4 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.

805.5 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.

805.5.1 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.

805.5.2 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.

Animal Services Procedures

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.2 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

806.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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806.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

806.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

806.5.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.
- (c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

806.5.2 INJURED WILDLIFE

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

806.5.3 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize damage to the vehicle.
- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

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- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

806.6 ANIMAL SERVICE TASER POLICY

Conducted Energy Device

PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices by Animal Services Officers.

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 officers and suspects.

USE OF FORCE

The application of a TASER device to another person is a use of force. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate purpose.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

Nothing in this policy is intended to suggest it is a duty or expectation of an animal services officer to use force and remain in the presence of a threat of harm, or choose to affect any powers of arrest when an immediate threat exists. Absent extenuating circumstances, it should be a continuous goal of the officer to find or create an opportunity for separation of themselves from an aggressor, retreat to safety, and request law enforcement response as soon as circumstances allow.

ISSUANCE AND CARRYING TASER DEVICES

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

TASER devices are issued for on-duty use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory. Officers shall only use the TASER device and cartridges that have been issued by the

Department. Uniformed officers who have been issued the TASER device shall wear the

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device in an approved holster on their person. Non-uniformed officers authorized to use the TASER 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 other weapons and any other device.
- (b) Whenever practicable, officers should keep two live cartridges loaded in the TASER device at all times.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a tranquilizer gun or rifle, and a TASER device, at the same time.

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 officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer 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 never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

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, and possibly small animals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

APPLICATION OF THE TASER DEVICE

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The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person or animal:

- (a) The person is violent and presents an immediate threat to the officer or others.
- (b) The person has demonstrated, by words or action, an intention to be violent, and reasonably appears to present the potential to harm officers or others.
- (c) The presence or escape of a potentially dangerous animal presents an imminent threat to human safety and alternative methods to deal with the animal are not reasonably available or would likely be ineffective.

TASERs are issued to animal control officers for use as a defensive weapon to minimize the risk of harm to officers and others by preventing, dissuading, or overcoming an attack, and providing an opportunity for the officer to safely escape or retreat from the immediate threat of harm/injury, by a person or animal. Mere flight by an animal from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device as a capture tool.

Animal services officers should also not attempt to use the TASER device as a capture tool in the apprehension or pursuit of a fleeing person, or a person attempting to flee, unless exigent circumstances exist where an officer reasonably believes there is an imminent threat of harm/injury to the officer or others if the person is allowed to flee from the officer's presence or control. Imminent does not mean immediate or instantaneous. An imminent danger may exist

even if the suspect is not at that very moment in possession of a weapon. For example, an imminent danger may exist if an officer reasonably believes the person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

The officer should not consider the TASER device to be a reliable defense tool against deadly weapons.

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 officer, the subject or others, and the officer 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.

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(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 officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest, and groin of a person. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strike the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers 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 officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer 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.

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(c) Whether verbal commands, other options or tactics may be more effective. Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

ACTIONS FOLLOWING DEPLOYMENTS

As soon as practicable following a TASER deployment, the animal services officer shall notify Sheriff's dispatch of the deployment of a TASER. The officer shall inform dispatch as to whether the TASER deployment was used against an animal or human, and whether law enforcement and emergency medical services are needed.

The officer shall request a deputy to respond for all deployments of a TASER at human subjects, or any time they believe the incident warrants law enforcement presence and/or documentation.

DOCUMENTATION

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The

officer should articulate, either in a TASER report form or to a deputy, 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 may require the completion of additional report forms, as specified in department policy, procedure or law.

Unintentional discharges, deployments involving animals, and displaying or arcing of the device at a person, when law enforcement services or a crime report is not requested or necessary, will be documented by the animal services officer on a TASER report form. The animal services officer shall notify his/her supervisor of all TASER device discharges. TASER report forms completed by the officer shall be submitted to their supervisor for review. Animal services division command staff, or their designee, will maintain records of TASER reports completed by animal services officers.

For all TASER deployments (probes/drive-stun) involving a person, a deputy shall be requested to collect evidence, document the incident in a related arrest/crime report, and to download information from the devices onboard memory, in accordance with their guidelines and policy.

For all other discharges not involving the need for evidence collection or documentation by a deputy, the animal services officer shall collect the expended cartridges, along with both probes and wires. The probes should be treated as a "Biohazard" any time they penetrated the skin of an animal or person. The wires, probes, and cartridges may be disposed of after proper documentation by the officer has been completed following the deployment into an animal.

TASER DEVICE FORM

Items that shall be included in the TASER device report form completed by the officer are:

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.

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- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.
- (m) Identity of any witnesses.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only Sheriff's deputies should remove TASER device probes from a person's body. Animal services officers should remove probes from an animal when the circumstances allow them to do so in a safe manner. 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.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device will be medically assessed prior to booking. Animals struck by TASER device probes shall be medically assessed by a veterinarian prior to the animal services officer impounding the animal. The animal services officer shall inform any person providing medical care or receiving custody of an animal that the animal has been subjected to the application of the TASER device.

Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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- (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).
- (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 to a medical facility for examination. If any individual refuses medical attention, such a refusal should be witnessed by a deputy and/or medical personnel and shall be fully documented in related reports by the deputy. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

SUPERVISOR RESPONSIBILITIES

When possible, a deputy, and/or animal services supervisor, should respond to calls when they reasonably believe there is 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 an animal has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a patrol/animal services supervisor and saved with the officer's related report.

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 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 an officer'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 officer's training file.

Animal services command staff and supervisors should receive TASER device training as

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appropriate for the investigations they conduct and review. Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers 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.

The Training Manager should ensure that all training includes:

- (a) A review of this policy.
- (b) Performing weapon draws from a holstered position which demonstrates proficiency in drawing and deploying the weapon.
- (c) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin of a person, and the head of an animal.
- (d) De-escalation techniques.

806.7 POLICY

It is the policy of the Kings County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.8 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

806.9 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

806.10 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may

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be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.11 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

806.12 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

806.13 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

806.14 ADMINISTRATIVE CITATIONS PROCEDURE

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Administrative Citations Procedure Manual

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SECTION I – INTRODUCTION

Sections 1A-1 through 1A-15 of the Kings County Code of Ordinances (“Code”) provide the authority to issue administrative citations for violations of the Code and sets forth the requirements associated with the issuances of said citations. The purpose of this administrative citation program, as authorized under Section 53069.4 of the Government Code, is to achieve the following goals:

- 1) Protect the public health, safety, and welfare of the residents of the County of Kings (“County”);
- 2) Gain compliance with the Code and regulations adopted pursuant thereto in a timely and efficient manner;
- 3) Provide for an administrative process to appeal the imposition of administrative citations and fines;
- 4) Provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the Code; and
- 5) Minimize the expense and delay incurred by pursuing alternative remedies through the civil or criminal justice system.

The purpose of this Procedures Manual is to establish the process by which the administrative citation program is implemented by the Kings County Sheriff’s Office, Animal Control (“Animal Control”). The operational policies and procedures identified in this Procedures Manual comply with applicable Code sections.

SECTION II – VIOLATIONS APPROPRIATE FOR ADMINISTRATIVE CITATION

The issuance of an administrative citation for a Code should be used for violations that are clear-cut, relatively uncomplicated, and easily correctable. As with any enforcement tool, the decision to

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use administrative citations should include assessment of how effective it is likely to be in gaining compliance and whether or not it is appropriate to the situation.

Administrative citations may be issued for violations that require immediate correction or action and violations for which the violator will be given a period of time in which to correct the violation. Administrative citations may be issued either in lieu of a citation for a violation of a criminal statute (i.e., violation of the Penal Code or Health and Safety Code) or in addition to a criminal citation.

SECTION III - ADMINISTRATIVE CITATION ISSUANCE POLICY

A. To Whom Citations May Be Issued

An administrative citation may be issued to the party responsible for the violation, which shall be one or more of the following individuals:

1. The owner of the animal(s) involved or the parent or legal guardian of the owner if the owner is under the age of 18 years;
2. The owner of the property upon which the animal is housed, located, or found if on the property at the invitation of the owner of the property; or
3. The individual currently caring for the animal(s) at issue.

B. Notice of Violation; content; correction period; service

Upon determining that a violation of a Code section(s) has occurred, the enforcement officer may serve a Notice of Violation ("Notice") on the appropriate County form, which has been approved for use by the Sheriff and County Counsel.

1) Contents of the Notice.

Each Notice shall contain the following information:

- a. The date, approximate time, and location of the violation.
- b. The conditions or events constituting the violation.
- c. The specific Code section(s) violated.
- d. A specified number of days during which the responsible person must correct or abate the violation ("Correction Period").
- e. A statement that if the violation is not corrected or abated by the end of the Correction Period, the responsible person will be subject to an administrative fine.
- f. An approximate estimate of the fine to be assessed if the violation is not corrected or abated.
- g. A statement that the responsible person may object to the Notice of Violation by submitting his or her reasons for the objection in writing to the enforcement officer prior to the end of the Correction Period.

2) Correction Period.

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a. Unless the conditions in (b) apply, Correction Periods shall last at least thirty (30) days from the date of service of the Notice.

b. If the violation constitutes an immediate danger to the health or safety of persons or property, the Correction Period may last for a period of time less than 30 days, including immediate abatement or correction if deemed necessary.

c. The enforcement officer shall retain the discretion to extend the Correction Period if deemed necessary and a good faith effort at correcting the violation has been shown by the responsible person.

3) Service of the Notice may be accomplished using the methods outlined below and shall be documented by the enforcement officer with a Proof of Service:

a. Personal Service – the enforcement officer may deliver the Notice to the person deemed to be in violation of the Code. The officer shall obtain the signature of the individual served or, if the individual is unable or refuses to sign the Notice, shall indicate the refusal or inability to sign on the signature line. Notice shall be deemed effective on the actual date of service.

b. Service by Mail – the enforcement officer may mail the Notice to the person deemed to be in violation of the Code via certified mail with a return receipt requested. Service shall be deemed effective when:

i. A signed return receipt is received with the signature of the responsible party on the signature line.

ii. Three days following service of the Notice via first class U.S. Mail if the return receipt is returned and the Notice is not returned by the US Mail as undelivered or undeliverable.

c. Service by Posting – In the event service by personal service or mail service is not possible, the enforcement officer may post the Notice on the real property in which the enforcement officer knows the responsible person to have a legal interest (e.g., home, business, etc.). Service shall be effective five days after posting.

C. Administrative Citation

If a Notice has been served and the violation noted has not been corrected within the Correction Period or if the violation constitutes an immediate danger to the health and safety of persons or property, the enforcement officer may issue an Administrative Citation (“Citation”). If the violation constitutes an immediate danger to the health and safety of persons or property, a Citation may be issued in lieu of a Notice.

1) Contents of Citation.

The Citation form must include the following information:

a. Date, approximate time, and address or description of the location of where the violation occurred.

b. Code section(s) violated and a description of the violation.

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c. Date the Notice was served on the responsible person, the Correction Period provided, and the date on which the Correction Period expired. If the violation constitutes an immediate danger to the health and safety of persons or property, provide the date of service of the Citation in lieu of the date the Notice was served.

d. A statement that the violation has not been corrected within the Correction Period.

e. Amount of the fine being assessed.

f. Information about how and where to pay the fine and the date by which the fine must be paid.

g. Information about how to appeal the Citation, including how to obtain a notice of appeal form, where to submit the appeal form, and the date by which the appeal needs to be submitted.

h. Name, badge number, and signature of the enforcement officer issuing the Citation.

i. Signature of the responsible person receiving the Citation or, if the responsible person refuses or is unable to sign the Citation, a notation of the refusal or inability to sign.

2) Satisfaction of the Citation. The responsible person issued the Citation has fifteen (15) days from the date of service of the Citation to pay the assessed fine. Service shall be made as set forth in Section B(3), above. Payment of the fine shall be made to Animal Services.

D. Fine Schedule

The administrative citation form should indicate whether the administrative citation is being used to issue a warning or will result in the assessment of a fine and the amount of the fine to be assessed. If the violation is not a critical health and safety risk, the enforcement officer shall allow the responsible person a 15 day warning period to abate the violation(s).

In the event the violation(s) are not corrected within the warning period, fines shall be assessed in the following amounts:

1. **\$100** for the first administrative citation fine if the violation(s) are not corrected or if the same violation occurs a second time within the next 12 month period.

2. **\$200** for the second administrative citation fine if the violation(s) are not corrected or if the same violation occurs a third time within the next 12 month period.

3. **\$500** for the third administrative citation fine if the violation(s) are not corrected or if the same violation occurs a fourth time within the next 12 month period.

Section IV – Appeal of Citation

Any recipient of a Citation may contest the alleged violation(s) or that he or she is not the person responsible for the animal at issue in the Citation.

A. Notice of Appeal.

1) In order to appeal the issuance of a Citation and assessment of a fine, the recipient must complete a Notice of Appeal form and return it to Animal Services within 15 days from the date of service of the Citation.

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2) The filing of the Notice of Appeal with Animal Services must be accompanied by a deposit of the fine owed or a request for a hardship waiver (see below).

a. If the fine amount is deposited and the hearing officer excuses the violation or otherwise dismisses the Citation, the fine shall be returned to the recipient of the Citation within 5 business days.

3) Animal Services shall set the matter for hearing as described below and notify the recipient of the date, time, and place of the hearing. The recipient may request a continuance of the date selected if unavailable on that date as set forth below.

B. Hardship Waiver

In the event a person filing a notice of appeal of a Citation is unable to deposit the amount of the fine, he or she may request a hardship waiver of the fine deposit. The request for a hardship waiver shall be submitted at the same time as the filing of the Notice of Appeal.

The hardship waiver request must include a sworn affidavit, together with any supporting documents or materials, demonstrating the applicant's financial inability to deposit the amount of the fine.

The hardship waiver will be considered by the Sheriff, or his or her designee. The Sheriff or his or her designee will inform the applicant in writing of whether or not the waiver was approved. Service of this decision shall be made via First Class Mail. The determination by the Sheriff or his or her designee is final and is not subject to appeal or judicial review.

If the hardship waiver is denied, the applicant shall deposit the fine within ten (10) business days of the Sheriff's notice. Failure to deposit the fine shall cancel the request for the appeal hearing and renders the fine delinquent.

C. Selection of a Hearing Officer

The Hearing Officer shall be a member of the Board of Supervisors as appointed by the chairperson of the Board. The Hearing Officer shall not be the Supervisor of the district in which the violation occurred or where the responsible person lives.

D. Request for Rescheduling a Hearing

The County will accommodate one (1) request to reschedule the hearing. Requests must be made in writing by the person requesting an appeal hearing at least 5 days prior to the scheduled hearing. Requests must include the reason for rescheduling the hearing and a list of available dates within the following 30 days during which the appellant will be available.

Upon receipt of a request for rescheduling a hearing, the County will select one of the dates provided and notify the appellant of the new date and time.

Subsequent requests to reschedule the hearing may be allowed at the discretion of the County.

E. Hearing Procedure

1) Setting the hearing.

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a. Following the receipt of a Notice of Appeal and the deposit of the assessed fine or submission of a request for a hardship waiver, Animal Services shall contact the Clerk of the Board to request the chairperson of the Board to select a Hearing Officer. Following selection of a Hearing Officer, Animal Services shall coordinate a hearing date and time with the Hearing Officer and notify the appellant.

b. Hearings shall be set between 15 to 60 days following the submission of the Notice of Appeal. Animal Services shall notify the appellant of the selected date and time, as well as the location of the hearing, as soon as practicable, but in no event less than 10 days prior to the date of the hearing.

2) Evidence to be presented and considered.

a. Formal rules of evidence shall not apply in the hearing.

b. The Hearing Officer shall only consider evidence that is relevant to whether or not the violation occurred or if the appellant is the person responsible for the animal at issue.

c. A copy of the Citation and any additional documents (i.e., reports, previous Notices and Citations, etc.) shall constitute prima facie evidence of the respective facts contained in those documents.

d. The appellant will be given the opportunity to testify and present witnesses and evidence relating to the challenged portion of the Citation. Appellant shall also have the opportunity to cross-examine and question evidence brought forth by Animal Services.

e. Discovery:

i. Animal Services shall provide the appellant with a copy of the Citation, any Notices, and any other documents to be used in the hearing as evidence at least 10 days prior to the hearing.

ii. Supplemental reports prepared after the initial provision of evidence to appellant shall be provided to appellant no later than 5 days prior to the hearing.

iii. Appellant shall provide copies of any documentary evidence, including photographs, videos, or other types of electronic data, images, or sound recordings, to be presented at the hearing to Animal Services at least 2 business days prior to the hearing.

iv. No other discovery is allowed.

f. Any party presenting documentary evidence, including photographs, videos, or other types of electronic data, images, or sound recordings, at the hearing shall have a copy of the evidence for the opposing party and counsel for the Hearing Officer. The original of the evidence shall be presented to the Clerk of the Board at the hearing and shall be returned following the rendering of the Hearing Officer's decision.

3) Conduct of the hearing

a. Each party is entitled to legal representation at the hearing.

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b. The hearing shall be recorded by the Clerk of the Board. In the event either side wants a certified shorthand reporter to report these proceedings, the requesting party shall arrange for the reporter and shall bear all expenses associated with providing said reporter.

c. Parties must provide their own interpreters for any party or witness who requires one. The expenses of providing an interpreter shall be borne by the party for whom the party or witness presents evidence in support of.

d. Each party shall be given an opportunity to present evidence and make an argument before the Hearing Officer.

e. The burden of proof shall rest with Animal Services, which will present its evidence first and will be given an opportunity to rebut any evidence presented by appellant.

f. Witnesses shall be sworn by the Clerk of the Board and testify at the podium before the Hearing Officer.

g. Following the conclusion of the presentation of evidence, each side shall be given an opportunity to present arguments to the Hearing Officer. The Hearing Officer has the sole discretion to restrict the amount of time for argument.

h. The Hearing Officer may continue the hearing and request additional information from either party prior to issuing a written decision or completing the hearing.

4) Decision of the Hearing Officer

a. The Hearing Officer shall issue a written decision within 10 days of the hearing.

b. The decision shall either uphold or deny the Citation and shall include the Hearing Officer's reasons for his or her decision.

c. The Clerk of the Board shall mail the decision to the parties via US Mail.

d. Any fines or fees to be paid or released following the decision of the Hearing Officer shall be paid or released within 30 days of the date of the decision.

5) Appeal of the Decision of the Hearing Officer

a. Either party may appeal the decision of the Hearing Officer to the Board of Supervisors by submitting a Notice of Appeal with the Clerk of the Board within 7 days of the date of mailing of the Hearing Officer's decision.

b. The Notice of Appeal shall include a short statement of the reasons for the appeal and shall be accompanied by the fee established by the Board for hearing administrative appeals. The fee may be refunded by the Board if the appeal is found to have merit.

c. Review of the Hearing Officer's decision shall be by a 3-member panel of the Board of Supervisors, who shall be appointed by the Chairperson. Neither the Board member who acted as the Hearing Officer or the Board Member for the district in which the violation occurred may be appointed as one of the members of the review panel.

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d. Review of the Hearing Officer's decision by the Review Panel shall be de novo. The hearing shall be conducted under the same rules and procedures as are applicable to the hearing before the Hearing Officer.

e. An appeal of the Review Panel's decision may be made by either party by filing a petition for review with the Superior Court for the County of Kings in accordance with the timelines and provisions of Section 53069.4 of the Government Code.

Section V – Citation Fines – Waivers and Penalties

If the responsible person fails to pay the fines imposed through the administrative citation process within the time specified on the citation or following an unsuccessful appeal, the County may file a claim with the Superior Court, County of Kings, Small Claims Division to collect the outstanding amount or pursue any other legal remedy available to the County.

SECTION VI – OTHER PROCEDURES

A. Hostile Encounters

An Animal Services officer shall not initiate physical force to halt, restrain, or attempt to physically engage a code violator. If an Animal Services officer is threatened by hostile or aggressive behavior or with bodily harm during the course of performing his or her duties, the enforcement officer shall leave the scene immediately and contact the Sheriff's Dispatch to have a Sheriff's Deputy respond to the scene. The Animal Services officer shall also contact his or her immediate supervisor and document the incident as part of the case file.

If there is has been past aggressiveness or hostility from an individual, the Animal Services officer shall not attempt to personally deliver notices and/or citations without the presence of a Sheriff's Deputy. Otherwise, the Animal Services officer may deliver notices and/or citations by way of mail as specified in this manual.

B. Entry Upon Private Property

Animal Services officers may enter private property, except dwellings, for the purpose of enforcing or discharging their duties under the Code in the following circumstances:

- 1) When in pursuit of an animal which the officer has reasonable or probable cause to believe is subject to impoundment.
- 2) To impound or place an animal in isolation or quarantine when the officer has reasonable or probable cause to suspect the animal is a biting animal or has rabies.
- 3) To inspect or examine, during daylight hours, animals isolated on the property.

Animal Services officers shall make a reasonable effort prior to entry onto private property to locate the property owner or possessor of the property and request permission to enter unless the Animal Services officer is in fresh pursuit or is involved in an emergency situation.

C. Release of Information

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In order to preserve effectiveness and not jeopardize investigative activities and to protect the privacy of involved parties, the following procedures apply to the release of information, once a case file is created:

1. Except in accordance with the direction of the County Counsel or to comply with a subpoena, the County shall not disclose:
 - a. That a complaint about a particular incident has been filed;
 - b. The fact that a case is pending; or
 - c. That a particular complaint is under investigation.
2. The County shall advise the complaining party that the complaint has been received and is under investigation.
3. Upon request, in accordance with the Public Records Act, the County shall disclose:
 - a. The date which has been set for a hearing before a Hearing Officer;
 - b. The date on which a citation has been set for court trial; and
 - c. The fact that a civil lawsuit has been filed and served.
4. Upon the closing of a case initiated by a private party's complaint, the complainant will be advised of the result, if so requested by the complainant.
5. Any information developed during the investigation shall be released only to County personnel actively and directly involved in the enforcement action.

[exhibits follow]

EXHIBIT A – NOTICE OF VIOLATION

NOTICE OF VIOLATION

County of Kings, County Government Center, Hanford, CA 93230

AGENCY ISSUING CITATION:

☐ KINGS COUNTY ANIMAL SERVICES

☐ OTHER: _____

NOTICE

DATE OF VIOLATION

TIME

AM/PM

DAY OF THE WEEK

SUN M T W TH F SAT

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NAME OF RESPONSIBLE PERSON (FIRST, MIDDLE, LAST)

RESIDENCE ADDRESS CITY STATE ZIP

DRIVER'S LIC/ID NO. & STATE

DATE OF BIRTH

GENDER

___ M ___ F

LOCATION OF VIOLATION:

PURPOSE OF CITATION AND KINGS COUNTY ORDINANCE SECTION:

___ CRUELTY; UNLAWFUL CONDUCT IN THE CARE OF ANIMALS – KC ORD. §4-6

___ MANDATORY SPAYING OR NEUTERING OF DOG OR CAT – KC ORD. § 4-20

___ DOG LICENSE REQUIRED – KC ORD. § 4-21

___ RABIES VACCINATION REQUIRED – KC ORD. § 4151 _____ LEASH LAW – KC ORD. § 4-66

___ ANIMAL AT LARGE, GENERALLY – KC ORD. § 4-67 _____ NOISY ANIMALS – KC ORD. § 4-79

___ NEGLECT – KC ORD. § 4-7 ___ OTHER (DESCRIBE) _____

DESCRIPTION OF VIOLATION(S):

WITNESSES TO VIOLATION:

DATE BY WHICH THE VIOLATION MUST BE CORRECTED:

NOTE: You must correct the above described violations within 30 calendar days or the date given above, whichever is later. Failure to correct the above violations may result in the issuance of an administrative citation, which will subject you to administrative fine in the amount of \$100 for a first violation, \$200 for a second, and \$300 dollars for a third violation.

RIGHT OF APPEAL:

If you disagree with this Notice of Violation, you may submit a written statement, in English, to the enforcement officer along with a copy of this notice by the date noted above. Statements must be mailed to:

Kings County Animal Services

Attn: Notice of Violation

10909 Bonneyview Ln.

Hanford, CA 93232

Kings County Sheriff's Office

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SERVICE OF NOTICE:

____ Personal service (date and person served): _____

____ Service by mail (date and address mailed to): _____

____ Service by posting notice (date and location posted): _____

RECEIPT ACKNOWLEDGED BY:

SIGNATURE

PRINTED

NAME:

ISSUING OFFICER:

NAME:

BADGE NO. _____

DATE: _____

EXHIBIT B – LETTER OF ACKNOWLEDGEMENT OF CORRECTION

(Date)

(Person noted on Notice of Violation)

(Address)

Re: Acknowledgment of Correction for Notice of Violation of Kings County Ordinance § _____, dated _____.

Dear Sir/Madam,

This letter serves as notice that the violation noted on ____ (date) _____ has been corrected as of ____ (date) _____. No further action will be taken at this time.

If you have any questions or concerns, please contact Kings County Animal Services at 10909 Bonneyview Ln., Hanford, California 93232. Thank you.

Sincerely,

Kings County Sheriff's Office

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(Name)

(Title)

EXHIBIT C – NOTICE OF APPEAL

NOTICE OF APPEAL – ADMINISTRATIVE CITATION

County of Kings, County Government Center, Hanford, CA 93230

AGENCY THAT ISSUED THE ADMINISTRATIVE CITATION:

ÿ KINGS COUNTY ANIMAL SERVICES

ÿ OTHER: _____

NOTICE

NAME OF APPELLANT (FIRST, MIDDLE, LAST)

RESIDENCE ADDRESS CITY STATE ZIP

REASON FOR THE APPEAL (select all that apply):

____ I am not the responsible person for the subject of the administrative citation.

____ I do not believe that a violation of the Kings County Code of Ordinances occurred as stated in the administrative citation.

NOTE: A copy of the administrative citation must accompany this Notice of Appeal.

FACTS IN SUPPORT OF YOUR REASON FOR APPEAL (attach separate pages if needed):

SERVICE OF NOTICE:

____ Personal service (date of service, person served, and location of service): _____

____ Service by mail (date mailed):

Kings County Animal Services

Attn: Appeal of Administrative Citation

10909 Bonneyview Ln.

Hanford, CA 93232

RECEIPT ACKNOWLEDGED BY (if served in person at Animal Services):

SIGNATURE:

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PRINTED _____

NAME: _____

TITLE: _____

APPELLANT'S SIGNATURE: _____

SIGNATURE: _____

PRINTED _____

NAME: _____

DATE: _____

EXHIBIT D – REQUEST FOR A HARDSHIP WAIVER

REQUEST FOR HARDSHIP WAIVER

FOR ADVANCE DEPOSIT REQUIREMENT

NAME: _____

ADDRESS OF VIOLATION: _____

DAYTIME PHONE NO.: _____

OTHER PHONE NO.: _____

MAILING ADDRESS (IF DIFFERENT THAN ADDRESS OF VIOLATION): _____

FINE AMOUNT ON CITATION: _____ CITATION NO. _____

PRESENT EMPLOYER: _____

DRIVER'S LICENSE NO.: _____

LIST OF FAMILY MEMBERS LIVING WITH YOU:

NAME RELATIONSHIP PAGE EMPLOYER

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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TOTAL FAMILY INCOME (AFTER TAXES AND DEDUCTIONS):

EMPLOYMENT: \$ _____ CHILD SUPPORT: \$ _____

SPOUSE'S EMPLOYMENT: \$ _____ SPOUSAL SUPPORT: \$ _____

UNEMPLOYMENT: \$ _____ PENSION/RETIREMENT: \$ _____

WELFARE/SSI/ADC: \$ _____ OTHER: \$ _____

TOTAL INCOME: _____

MONTHLY EXPENSES

RENT/MORTGAGE: \$ _____ CHILD CARE: \$ _____

TRANSPORTATION COSTS: \$ _____ MEDICAL EXPENSES: \$ _____

OTHER (DESCRIBE AND PROVIDE AMOUNT(S)): \$ _____

TOTAL EXPENSES: \$ _____

ASSETS

SAVINGS ACCT: \$ _____ CHECKING ACCT: \$ _____

OTHER CASH ASSETS: \$ _____ OTHER ASSETS: \$ _____

TOTAL ASSETS: _____

Proof of income and expenses – submit one or more of the following types of documents as proof of income and expenses. These documents will be returned to you along with a written notification of the outcome of your request.

- Previous 2 weeks of payroll stubs, proof of public assistance, or proof of other income (retirement, pension, stipend, etc.)
- Mortgage or rental statements
- Misc. bills (utilities, car payments, etc.)

I understand that this hardship consideration is for the deferral of payment of administrative citation fines during the pendency of my appeal. If, following the appeal, the hearing officer upholds the assessment of the fine, I understand the amount of the fine will become due and payable immediately.

I declare under penalty of perjury that the information contained herein constitutes a full and complete statement of my assets and obligations to the best of my knowledge and belief.

(Print name) (Signature) (Date)

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Process for submitting requests for a Hardship Waiver:

- 1) An individual requesting a Hardship Waiver must submit this form with the Notice of Appeal on or before 15 days from the date of service of the administrative citation.
- 2) The Hardship Waiver will be reviewed by the Sheriff or his or her designee. You will be notified in writing of the outcome of your request. Your proof of income and liabilities will be returned to you along with this notification.
- 3) The Sheriff's determination in granting or denying the Hardship Waiver is final and not subject to appeal or judicial review.
- 4) If the Hardship Waiver is denied, the amount of the fine is due within 10 days of the date of the denial. Failure to deposit the fine shall cancel the request for an appeal hearing.

For Official Use Only

Received on: _____ Documents submitted? _____

Within deadline? _____ Completed Form? _____

EXHIBIT E – NOTICE OF DETERMINATION OF REQUEST FOR HARDSHIP WAIVER

NOTICE OF DETERMINATION

REQUEST FOR HARDSHIP WAIVER

DATE:

TO: (Appellant)

Thank you for submitting your Request for a Hardship Waiver. The Sheriff or his designee has reviewed your request, along with the accompanying documentation, and has rendered the following decision:

_____ Your Request for a Hardship Waiver is GRANTED. At this time, no further money is due from you, pending the outcome of your appeal hearing.

_____ Your Request for a Hardship Waiver is DENIED. Please submit payment of the fine assessed against you to Animal Control at the address above within 10 business days of the date of this letter. Failure to submit payment of the fine will result in a cancellation of your scheduled appeal hearing.

If you have any questions or require further information, please contact Animal Control at the address or number above. Thank you.

(Signature)

EXHIBIT F – NOTICE OF HEARING ON APPEAL

NOTICE OF APPEAL HEARING

FOR ADMINISTRATIVE CITATION

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TO: (Appellant)

Please be informed that your request for an Appeal Hearing for your Administrative Citation shall be heard as follows:

Date: _____

Time: _____

Location: _____

Appellants are advised of the following:

- 1) You may have legal representation at the hearing. If you chose to have an attorney represent you, you must provide written notification to Animal Control at least 2 business days prior to the hearing. The notification to Animal Control should include your attorney's name and contact information.
- 2) Failure to appear at the hearing, either in person or through counsel, acts as a waiver of your right to appeal the Administrative Citation. If you fail to appear at the above date and time, the fine assessed against you in the Administrative Citation will become immediately due and payable to Animal Control if not already on deposit. Any monies deposited with Animal Control with your Notice of Appeal will be retained by Animal Control to satisfy this fine.
- 3) You may request one continuance prior to the hearing. Your request for a continuance must be made in writing and received by Animal Control at least 5 days prior to the above date and time. In your request for a continuance, you must include alternative dates on which the hearing can be held or your request will be rejected.
- 4) Formal rules of evidence do not apply at the Appeal hearing. The Hearing Officer, who will be a current member of the Kings County Board of Supervisors, will hear arguments and receive evidence from all parties.
- 5) The parties must mutually exchange discovery prior to the hearing as follows:
 - a. Appellant must provide Animal Control with copies of any documentary evidence (including photographs, videos, or sound recordings) to be used or that Appellant may use at the hearing at least 5 days prior to the above date and time.
 - b. Animal Control will serve you with copies of the citations, reports, or any other documents (including videos, photographs, or sound recordings) that Animal Control will or may use at the hearing at least 10 days prior to the above date and time.
 - c. Other than this exchange of evidence, no other discovery is permitted in these proceedings.
- 6) You must bring two copies of any documentary evidence (including photographs, videos, or sound recordings) you plan to use at the hearing and present these copies to the Clerk of the Board before the hearing begins.
- 7) The Hearing Officer may continue the hearing and request one or more parties to provide further information, either at a rescheduled hearing date or by mail to the Hearing Officer.

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8) The Hearing Officer will issue a written decision within 10 days of the hearing or the date on which further evidence is to be provided. The Hearing Officer may either uphold or dismiss the Administrative Citation in his or her decision. In addition, the Hearing Officer's decision will include his or her reasons for the decision.

9) Either side may appeal the Hearing Officer's decision to the Kings County Board of Supervisors by filing a Notice of Appeal with the Clerk of the Board.

Jeanne Clery Campus Security Act

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this 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.

807.2 POLICY

The Kings 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 Kings 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 Kings County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Kings 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.

807.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

- (a) Ensure that the Kings 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 written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 - (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).
 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)).

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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 Kings 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)).
 5. Notify the Kings 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).

807.3.1 ADDITIONAL REQUIREMENTS

The Sheriff or the authorized designee will also (Education Code § 67386):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence, and stalking involving a student whether it occurred on- or off-campus including:
1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
 2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications, and participation by victim advocates and other supporting individuals.

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- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.
- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault, or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Kings County Sheriff's Office or the institution (Education Code § 67380).
 - 1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have their personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees, or the institution, and the immediate assistance of the Kings County Sheriff's Office is necessary to contact or detain the assailant (Education Code § 67380).
 - 2. If the institution discloses the identity of the alleged assailant to the Kings County Sheriff's Office, the institution must immediately inform the victim of that disclosure (Education Code § 67380).
- (e) Ensure the victim receives the following information:
 - 1. Options on rights to obtain a sexual assault forensic medical examination including the right to be accompanied to the examination by a certified sexual assault counselor and/or support person of the victim's choosing
 - 2. How to access transportation to an examination site, including transportation options provided or arranged by the campus

807.4 RECORDS COLLECTION AND RETENTION

The Records Manager is responsible for maintaining Kings 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 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

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4. Aggravated assault
 5. Burglary
 6. Motor vehicle theft
 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 Kings 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)).

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807.4.1 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Manager is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

- (a) All occurrences reported to the Kings County Sheriff's Office and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
- (b) All occurrences of noncriminal acts of hate violence reported to the Kings County Sheriff's Office for which a written report is prepared.

807.4.2 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 Kings County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the 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 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.

807.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Division Commander 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); 34 CFR 668.46(e); 34 CFR 668.46 (g)).

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- (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:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.
 - 3. Policies concerning security of and access to campus facilities.
 - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
 - 5. Enforcement policies related to alcohol and illegal drugs.
 - 6. Locations where the campus community can obtain information about registered sex offenders.
 - 7. Emergency response and evacuation procedures.
 - 8. Missing student notification procedures.
 - 9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Chapter 9 - Custody

Release From Custody / 849(b)(1) PC Release

900.1 PURPOSE AND SCOPE

PURPOSE

To establish procedures in order to comply with statutory requirements relating to the release of arrested persons in cases where there is insufficient evidence to request a criminal complaint.

POLICY

Penal Code Section 849 (b) (1) provides that any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant when he is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested. The record of arrest must include a record of release and thereafter, such arrest shall not be deemed an arrest but a detention only. Penal Code Section 851.6 requires the Sheriff's Department in such cases to issue the person a certificate of release, signed by the releasing deputy or his superior officer. Any record of such arrest shall include a record of the release and thereafter shall not be deemed an arrest but a detention only.

900.2 PROCEDURE WHEN ARREST RESULT IN BOOKING

- A. Whenever a deputy releases a specific charge because of insufficient grounds to obtain a criminal complaint and no other lesser included offense is charged, he shall prepare an 849 PC certificate of release in sufficient copies for distribution and forward the original to the records section. If multiple charges are released, all charges may be included on one form
- B. the original copy of the form shall be placed in the individual's arrest jacket.

Custodial Searches

901.1 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 Kings County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of 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.

901.1.1 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.

901.2 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.

901.3 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 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.

901.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Kings County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a

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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.

901.4.1 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 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 office member. The inventory should include the case number, date, time, member's Kings County Sheriff's Office identification number and information regarding how and when the property may be released.

901.4.2 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 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.

901.5 STRIP SEARCHES

No individual in temporary custody at any Kings 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 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).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Kings County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander 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.
 - 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.

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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 the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify 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 the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (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.

901.5.2 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.

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.

901.6 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. 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).

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- (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 office 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 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 office 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.

901.7 TRAINING

The Training Sergeant 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.

901.8 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

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- (a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

901.9 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

901.10 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Office.

The Sheriff or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing deputies with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent a deputy from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

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 Kings 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 Kings County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The 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 Kings 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 office efforts to comply with PREA standards in the Kings 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 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 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 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 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 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

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 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 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 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 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 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 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 physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (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 Kings 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 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)).

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

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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 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 Office's progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the office website or, if it does not have one, through other means. Material may be redacted from the

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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 Kings 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 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 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 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 office members and contractors who may have contact with individuals in custody shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The 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.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

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The Training Sergeant 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 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 Kings County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state and local law, the Kings County Sheriff's Office provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law. The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 APPLICANT QUALIFICATIONS

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 in addition to the employment standards established by this department.

1000.4 STANDARDS

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 Kings County Human Resources Department maintains standards for all positions.

The dilemma facing the Department 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 County of Kings 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.

The following standards have been adopted for public safety applicants:

1000.4.1 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

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(e) The following may be disqualifying factors:

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.

1000.4.2 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 during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) 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.

1000.4.3 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.
- (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)

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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

1000.4.4 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 may be disqualifying:
 1. Missing any scheduled appointment during the process without prior 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
 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.

1000.4.5 LEARNING ABILITY

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- (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 where in 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

1000.4.6 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 may 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
 - 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

1000.4.7 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 may 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

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2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.4.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession will be considered possible 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. Any adult use or possession of marijuana within one year prior to application for employment
3. Any other illegal adult use or possession of a drug not mentioned above(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, 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 Department 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:

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., marijuana use longer than one year ago or cocaine use longer than three years ago.)
3. Any illegal or unauthorized use of prescription medications

1000.5 RECRUITMENT

The Administration Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Establishment of a written recruitment plan.
 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.

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- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.

The Administration Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.6 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

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- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
 2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available
- (l) Any relevant information in the National Law Enforcement Accountability Database

1000.6.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.7 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Kings County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.7.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.7.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

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1000.7.3 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Office fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.7.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Division Commander for final review and submission to POST (11 CCR 1953).

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The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1000.7.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Office shall be retained for the entire term of employment and a for a minimum of four years after separation from the Office.
- (b) Reports and documentation for candidates not hired by the Office for a minimum of four years.

1000.7.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Sheriff, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Kings County Sheriff's Office, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.7.7 INVESTIGATOR TRAINING

Effective July 1, 2023, Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.7.8 CONFIDENTIAL POST RECORDS

Records released to the Office from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

1000.8 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

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A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.9 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.9.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 1. Reading and writing ability assessment (11 CCR 1951)
 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

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- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Office (Penal Code § 13510(d)).

1000.9.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Kings County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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Evaluation of Employees

1001.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.

1001.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary deputies are evaluated daily, weekly and monthly during the probationary period.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

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Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the County and Office harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- (a) That the employee understands the harassment and discrimination policies.
- (b) Whether any questions the employee has have been sufficiently addressed.
- (c) That the employee knows how and where to report harassment policy violations.
- (d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1001.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

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Evaluation of Employees

1001.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to County Department of Human Resources.

Grievance Procedure

1002.1 PURPOSE AND SCOPE

It is the policy of this office that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Office's philosophy is to promote a free verbal communication between employees and supervisors.

1002.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any office employee that, if true, would constitute a violation of office policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1002.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or bureau.
- (c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Sheriff.
- (d) If the employee and the Sheriff are unable to arrive at a mutual solution, then the employee shall proceed as follows:
 1. Submit in writing a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor and include the following information:

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- (a) The basis for the grievance (i.e., what are the facts of the case?).
 - (b) Allegation of the specific wrongful act and the harm done.
 - (c) The specific policies, rules or regulations that were violated.
 - (d) What remedy or goal is being sought by this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Sheriff will receive the grievance in writing. The Sheriff and the County Administrator will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the County Administrator is considered final.

Anti-Retaliation

1003.1 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.

1003.2 POLICY

The Kings 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.

1003.3 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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1003.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

A deputy shall not be retaliated against for reporting a suspected violation of a law or regulation of another deputy to a supervisor or other person in the Office who has the authority to investigate the violation (Government Code § 7286(b)).

1003.4 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 Director of Human Services.

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.

1003.5 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.

1003.6 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.

1003.7 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 Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

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1003.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Office shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1003.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1003.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Body Fluid Protection

1004.1 PURPOSE AND SCOPE

To provide all personnel with safety guidelines concerning the use of CPR masks, protective goggles, latex gloves, surgical masks and anti-bacterial solution or wipes.

1004.2 DEPUTIES RESPONSIBILITY

A. RESPONSIBILITY

1. Each employee will be issued a reusable pocket CPR mask and protective goggles.
2. Each employee will carry their department issued CPR mask and protective goggles with them while on duty.
3. Each County vehicle will be supplied with latex gloves, surgical masks and anti-bacterial solution or wipes.
4. Extra supplies will be kept at Headquarters and each substation.

B. USE OF CPR MASKS, PROTECTIVE GOGGLES, LATEX GLOVES, SURGICAL MASKS AND ANTI-BACTERIAL SOLUTION OR WIPES

1. CPR masks should be used any time a Deputy performs CPR.
2. Protective goggles should only be worn when there is a possibility of blood or other body fluids coming in contact with the employee's eyes.
3. Latex gloves should be used when there is any chance of the employee's hand coming in contact with blood or other body fluids.
4. Anti-bacterial solution or wipes is to only be used as an in field hand and face wash to remove blood or other body fluids.
5. Protective goggles, latex gloves, and anti-bacterial solution or wipes is not to be utilized to process or clean a normal crime scene.

1004.3 MAINTENANCE

1. Each employee will be responsible for keeping his CPR mask and protective goggles clean and in working order.
2. If a CPR mask or protective goggles become damaged or unusable they will be turned in to your immediate supervisor for replacement.
3. It will be each employee's responsibility to check and replace as necessary the latex gloves, surgical masks, and anti-bacterial solution or wipes, which is kept in the vehicle, prior to going in service.
4. A mixture of 1/10 bleach and water will be used to clean the CPR mask and protective goggles of any blood or other body fluid contamination.

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5. The materials to make a 1/10 mix of bleach and water will be maintained in Headquarters and each of the substations.
6. The contaminated item will be submerged in the 1/10 bleach and water mix for 10 minutes.
 - a. If the item cannot be totally submerged it will be turned over and soaked for another 10 minutes.
 - b. The CPR mask will be in the open position when put into the 1/10 bleach and water mix.
7. Once the contaminated item has been soaked in the 1/10 bleach and water solution it should be washed with warm soapy water to remove any foreign material.
8. Once the 1/10 bleach and water solution has been used it is to be poured down the drain, the plastic bucket then rinsed out, and the items placed back into storage.
9. Anti-bacterial solution or wipes will not be used to clean CPR masks or protective goggles.

Reporting of Arrests, Convictions, and Court Orders

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Kings County Sheriff's Office. This policy will also describe the notification requirements and procedures that certain retired deputies must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired deputies with identification cards issued by the Office are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this office may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1005.4 REPORTING

All members and all retired deputies with an identification card issued by the Office shall immediately notify their supervisors (retired deputies should immediately notify the Watch Commander or the Sheriff) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether or not the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

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All members and all retired deputies with an identification card issued by the Office shall further promptly notify their supervisors (retired deputies should immediately notify the Watch Commander or the Sheriff) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired deputy from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired deputies may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1005.4.1 NOTIFICATION REQUIREMENTS

The Administration Division Commander shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this office or any former peace officer if this office was responsible for the investigation (11 CCR 1003).

1005.5 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 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.

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1005.5.1 NOTIFICATION REQUIREMENTS

The Administration Division Commander shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this office or any former peace officer if this office was responsible for the investigation (11 CCR 1003).

The Administration Division Commander shall submit within 10 days a notice to 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 office (11 CCR 1003).

1005.6 POLICY

The Kings County Sheriff's Office requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Office.

Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

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).

1006.3.1 USE OF MEDICATIONS

Members should not use 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 the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1006.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). 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).

1006.5 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.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on 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 Office.

1006.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 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.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), 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).

1007.2 POLICY

It is the policy of the Kings County Sheriff's Office to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1007.5 REQUIRED NOTICES

The Director of Human Services shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1007.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected office operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Kings County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Kings County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other office members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Office website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.
- (b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

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- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure

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- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status

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of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Kings County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Kings County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Kings County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1009.4.1 NOTICE

The Sheriff or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Kings County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Kings 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.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Office (Penal Code § 832.7).

1010.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Office shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1010.4.4 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

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years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. 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 member's Division Commander or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.

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- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Sheriff are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Kings County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the deputy in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

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1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any deputy solely because the deputy has been placed on a prosecutor's *Brady* list or the name of the deputy may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the deputy has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

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Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a deputy were found to violate law or office policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

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Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1010.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Kings County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

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1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1010.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Sheriff shall also provide the member with:

- (a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation may be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds

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and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1010.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1010.11 PRE-DISCIPLINE 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) The 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 response is not designed to accommodate the presentation of testimony or witnesses.
- (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 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.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

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In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that a deputy has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary deputy subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Sheriff or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Sheriff shall be final.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1010.16 REQUIRED REPORTING TO POST

The Sheriff or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain deputy personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 1. A POST affidavit-of-separation form shall be executed and maintained by the Office and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect a deputy's POST certification, such as:
 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 2. Findings of civilian review boards.
 3. Final dispositions of any investigations.

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4. Civil judgments or court findings based on conduct, or settlement of a civil claim against a deputy or the Kings 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) within the applicable timeframe provided in Penal Code § 13510.9.

1010.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Sheriff or the authorized designee shall report allegations of serious misconduct by a deputy to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Office
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved deputy
- (e) A summary of the alleged misconduct including:
 1. A narrative of the allegations
 2. Date and time of incidents
 3. Location of occurrence
 4. Any witness information, if available
 5. Summary of arrest or indictment of involved deputy
- (f) A change in employment status of the involved deputy (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Sheriff or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Sheriff or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the deputy's service record as provided by 11 CCR 1207.

1010.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 1. The Office shall provide the name of the body conducting the proceeding.
 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:

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1. The name of the court having jurisdiction over the criminal charges against the deputy.
2. The status of the criminal case, if known.

Operation of Sheriff's Vehicles

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures concerning the daily operation of Sheriff's vehicles. All Sheriff's personnel shall comply with the rules of the road as outlined in the California Vehicle Code. Deputies shall be guided by Sections 17004 and 21807 of the California Vehicle Code when operating their vehicles under emergency conditions. Deputies shall not violate traffic laws without good cause.

1011.2 SHERIFF'S VEHICLES/FIELD OPERATIONS

All vehicles shall be visually inspected for any defects prior to being taken into the field. Components to be inspected include brakes, horns, radio, siren, lights, etc. All defects must be reported to the immediate supervisor.

Upon securing from duty, all deputies, regardless of rank or assignment, will remove all trash, garbage, debris and material to a trash container. Deputies will insure that the gas tank is filled (if less than 3/4 full), windshield clean, and that engine service is performed prior to the end of their shift. Any new damage, deficiencies, shortcomings or inoperative equipment noted or acquired during the shift will also be reported at this time. Any expendable items (flares, first aid, etc.) used during the shift shall be replaced before the completion of the shift.

1011.3 FIELD OPERATIONS PROCEDURES

- A. Patrol vehicles are to be legally parked prior to the deputy departing, except as emergency situation indicated.
- B. With few exceptions, a deputy should not block a private drive or enter private property to issue traffic warnings or citations. When necessary, complete your contact as soon as possible so that business operations are not disrupted.
- C. Seat belts should be utilized at all times by both driver and passengers riding in the Department vehicles
- D. Deputies shall not ride their brakes (drive with one foot on brake and one on accelerator) during routine patrol. This procedure causes undue wear of brakes and increases the possibility of becoming involved in an accident due to overheated or fading brakes.
- E. Caution is important when backing. Deputies, by planning their routes properly, will find that in most cases it is unnecessary to back their vehicles. Deputies shall always check the rear of their vehicles for any obstructions prior to backing.

1011.4 PUSH BUMPERS PROCEDURES

Push bumpers are to be used ONLY to remove a vehicle from traffic lanes to the nearest safe parking area. They will not be used in an attempt to start another vehicle, or for pushing another vehicle for a prolonged distance, such as to a gas station. Before attempting to push another vehicle, the deputy shall check for proper alignment of bumpers.

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- (a) 1. The driver being pushed shall be instructed as follows:
 2. The car will only be pushed from the traffic lane.
 3. The pushed vehicle must be out of gear and the brake off.
 4. The driver being pushed is not to attempt starting his/her vehicle during the pushing operation.
 - (a) Do not attempt to push vehicles around corners. If turning a corner is necessary in seeking a safe parking space, enough forward speed should be achieved to permit the other vehicle to turn the corner under its own momentum. Use extreme care in pushing automobiles with flat tires due to resultant imbalances in bumper heights under such conditions.
 - (b) Pushing other vehicles into driveways should be avoided. When necessary, however, extra caution must be exercised. Imbalances in bumper heights can cause damage.

1011.5 SHERIFF'S VEHICLE ACCIDENTS

Should you become involved in a Sheriff's vehicle accident, your first duty is to notify Central Dispatch and your shift supervisor. Render first aid as necessary and assist at the scene until additional police units arrive.

DO NOT MAKE ANY STATEMENTS CONCERNING THE ACCIDENT OR POSSIBLE CIVIL LIABILITY.

Seat Belts

1012.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles (Vehicle Code § 27315.5).

1012.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1012.2 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 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.

1012.3 INOPERABLE SEAT BELTS

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1012.4 POLICY

It is the policy of the Kings County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1012.5 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the

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front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1012.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1012.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 POLICY

It is the policy of the Kings 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.

1013.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Kings County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration 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.

1013.3.1 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 shall 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 shall 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.

1013.3.2 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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1013.3.3 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.

1013.4 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

1014.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1014.2 POLICY

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1014.3 OFFICE FILE

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. 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).
 - 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 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).

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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.

1014.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1014.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1014.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Internal Affairs 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

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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 Office to adversely affect an employee's career (Penal Code § 832.5).

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).

1014.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1014.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Administrator, County Counsel or other attorneys or representatives of the County in connection with official business.

1014.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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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 may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1014.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this office may be guilty of a misdemeanor (Penal Code § 146e).

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1014.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of a deputy from this office for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1014.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to a deputy for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the deputy engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1014.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

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Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

1014.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.
- (c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1014.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF DEPUTIES

Personnel records and records related to certain incidents, complaints, and investigations of deputies shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

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The Custodian of Records should work as appropriate with the Sheriff or the Internal Affairs 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 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 Office or oversight agency regarding:
 1. A deputy engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 2. Dishonesty of a deputy relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another deputy, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

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3. A deputy engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. A deputy made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the deputy resigns before the Office or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple deputies, the Office shall not release information about allegations of misconduct or the analysis or disposition of an investigation of a deputy unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the deputy during an incident or the statements of a deputy shall be released if the statements are relevant to a finding of the qualified allegation against another deputy that is subject to release (Penal Code § 832.7(b)(5)).

1014.11.1 REDACTION

The Custodian of Records, in consultation with the Sheriff or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of deputies
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the deputy or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1014.11.2 DELAY OF RELEASE

Unless otherwise directed by the Sheriff, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

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- (a) Active criminal investigations
 - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 - 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against a deputy or against someone other than a deputy who engaged in misconduct or used the force.
- (b) Filed criminal charges
 - 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
 - 1. Disclosure may be delayed until:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or office policy, but no longer than 180 days after the date of the office's discovery of the misconduct or use of force or allegation of misconduct or use of force

1014.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - (a) When the criminal proceeding is against someone other than a deputy and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Office must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by deputies.

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In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Office may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

Employee Commendations

1015.1 PURPOSE AND SCOPE

The purpose of this policy is to implement a procedure for awarding written Commendations and the Kings County Sheriff's Office Awards. The Kings County Sheriff's Office will officially recognize acts by members of the agency when such acts are worthy of commendation.

1015.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor of the department regarding any employee of the department provided that the person reporting is senior in rank to the person being commended. Deputies of equal rank may commend others through the normal chain of command, i.e., Investigators may commend uniformed Deputies for exceptional assistance in investigative functions.

1015.3 CLASSIFICATIONS OF COMMENDATIONS

The classifications and their definitions are outlined below:

- A. **CLASS "A" COMMENDATION** Outstanding, extraordinary work beyond the call of duty.
 - 1. Class "A" Commendations will be awarded by the Division Commander/ Manager through the chain of command. The original will be given to the employee by the Division Commander/ Manager. A copy will be put into his/her personnel file.
 - 2. An employee's Immediate Supervisor will write a recommendation to his Command Officer/ Manager. The Command Officer/Manager will make a recommendation to the Assistant Sheriff. If approved, they will discuss the commendation with the Sheriff. The commendation will be recorded on "gold bond" letterhead with the Sheriff's signature.
 - 3. Class "A" and "B" A commendation report shall be used to make an official record of a significant act by an employee. A separate report shall be made for each person commended. The report shall include the employee's full name, rank, I.D. number, circumstances of the incident, names of suspects, and victims. An example of a major commendation would be a report concerning conspicuous bravery or outstanding performance of duty. Another example would be an employee who gives an idea to the department that implemented, would save the department staffing or money.
- B. **CLASS "B" COMMENDATION** Commendable, above average law enforcement work of a routine nature.
 - 1. Class "B" Commendations will be awarded by the Command Officers/Managers, with a copy placed into the employee's personnel file.
 - 2. An employee's Immediate Supervisor will write a recommendation to the Command Officer/ Manager. The Command Officer/Manager will submit it to the Division Commander/Manager for his approval.

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- C. **CLASS "C" COMMENDATION** Law enforcement work of a routine nature, but deserving of notice. Four (4) Class "C" Commendations in a 12 month period would qualify for a Class "B" Commendation.
1. Awarded by the Immediate Supervisor. A copy shall be filed in the supervisor's file and be passed on to the next supervisor if there is a change within 12 months.
 2. An example of Class "C" Commendation would be a report concerning alertness of an employee resulting in the apprehending of a criminal, or performing all duties above standard for three months.
 3. An employee's Immediate Supervisor will write a Class "C" Commendation.

All commendations can be returned down the chain of command if it's felt by the higher ranking officer that the commendation isn't deserving of the higher commendation.

1015.3.1 MEDAL OF VALOR

The Medal of Valor may be awarded to employees who distinguish themselves by conspicuous bravery, heroism, or other action above and beyond the normal demands of law enforcement service. To be awarded the Medal of Valor, an officer shall have performed an act conspicuously displaying extreme courage while facing imminent peril. The meritorious actions must indicate that the employee was conscious of the immediate danger to his/her personal safety.

A. **RECOMMENDATION FOR MEDAL OF VALOR**

1. A supervisor who believes that the action of a subordinate might warrant the awarding of the Medal of Valor shall submit a commendation report. The report shall include a statement of the action, and identification which will assist in an evaluation of the action.

B. **ROUTING OF RECOMMENDATION FOR MEDAL OF VALOR**

1. The routing shall be the same as a Class "A" Commendation.

C. **ACTION OF THE SHERIFF**

1. Final approval of the awarding of the Medal of Valor shall be given by the Sheriff. If approval is not given, the commendation may be returned to lower levels for appropriate classification.

D. **FILING COMMENDATION REPORTS**

1. The medal of Medal of Valor shall be awarded by the Sheriff, along with a copy of the commendation being placed in their department personnel file.

E. **DISPLAY OF MEDAL OF VALOR**

1. The Department will display a wall plaque in public view for Medal of Valor recipients. Each recipient's name will be added to the plaque. The employee also will receive a medal and ribbon with an inscription identifying the medal as being awarded for valor. A green bar, with gold lettering, identifying it as being awarded for valor, will also be given to an employee to wear with their duty uniform.
 - (a) The bar will be placed above the employees name tag, centered. The Medal of Valor shall only be worn when authorized by the Sheriff. The bar

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awarded for valor shall be worn at the discretion of the employee during regular duty hours. The bar awarded for valor shall be worn on uniform shirts only.

1015.3.2 MEDAL OF MERITORIOUS CONDUCT / SILVER STAR

To be awarded the Medal of Meritorious Conduct/Silver Star an employee shall distinguish themselves by an act performed above and beyond the normal call of duty, but short of heroic action as described in the Medal of Valor. This award may be given posthumously.

A. RECOMMENDATION FOR MEDAL OF MERITORIOUS CONDUCT/SILVER STAR

1. A supervisor who believes that the action of a subordinate might warrant the awarding of the Medal of Meritorious Conduct/Silver Star shall submit a commendation report. The report shall include a statement of the action and an identification which will assist in the evaluation of the action.

B. ROUTING A RECOMMENDATION FOR THE MEDAL OF MERITORIOUS CONDUCT

1. The routing shall be the same as Class "A" Commendation.

C. ACTION OF THE SHERIFF

1. Final approval of the awarding of the Medal of Meritorious Conduct/Silver Star shall be given by the Sheriff. If approval is not given, the commendation may be returned to lower command levels for appropriate classification.

D. FILING COMMENDATION REPORTS

1. The medal of Meritorious Conduct/Silver Star shall be awarded by the Sheriff, along with a copy of the commendation being placed in their department personnel file.

E. DISPLAY OF MEDAL OF MERITORIOUS CONDUCT/SILVER STAR

1. The department will display a wall plaque in public view for Medal of Meritorious Conduct recipients. Each recipient's name will be added to the plaque. The employee will also receive a medal and a ribbon/bar with an inscription identifying the medal as being award for meritorious conduct. A silver star having a red background identifying it as being awarded for meritorious conduct will also be given to the employee to wear with their duty uniform.
 - (a) The ribbon or bar will be placed above the employee's name tag and centered. The ribbon or bar awarded for meritorious conduct shall be worn at the discretion of the employee during regular duty hours. The bar awarded for meritorious conduct shall be worn on uniform shirts only.
 - (b) The Medal of Meritorious Conduct/Silver Star shall be worn when authorized by the Sheriff.

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1015.3.3 PURPLE HEART MEDAL

The **Purple Heart Medal** should be awarded to employees who, while serving in an official capacity, have sustained serious wounds or great bodily injury as a result of a hostile attack by another. The criteria for the medal is:

The injury was severe and required medical treatment beyond first aid. The injury was caused by a weapon, i.e., gun, knife, etc.

A crime report was made, i.e., 245(d)(I) P.C. or other serious felony. This award may be given posthumously.

A. **ROUTING A RECOMMENDATION FOR THE PURPLE HEART MEDAL**

1. The routing shall be the same as Class "A" Commendation.

B. **ACTION OF THE SHERIFF**

1. Final approval of the awarding of the Purple Heart Medal shall be given by the Sheriff. If approval is not given, the commendation may be returned to lower command levels for appropriate classification.

C. **FILING COMMENDATION REPORTS**

1. The Purple Heart Medal shall be awarded by the Sheriff, along with a copy of the commendation being placed in their personnel file.

D. **DISPLAY OF PURPLE HEART MEDAL**

1. The department will display a wall plaque in public view for Purple Heart recipients. Each recipient's name will be added to the plaque. The employee will also receive a medal and a ribbon/bar with an inscription identifying the medal as a Purple Heart. A purple bar identifying it as being awarded for the Purple Heart will also be given to the employee to wear with their duty uniform.
 - (a) The bar will be placed above the employee's name tag and centered. The bar awarded for Purple Heart shall be worn at the discretion of the employee during regular duty hours. The bar awarded for Purple Heart shall be worn on uniform shirts only.
 - (b) The Purple Heart Medal shall only be worn when authorized by the Sheriff.

1015.3.4 SERVICE AWARD

A service award shall be presented to any employee who displays exceptional job performance in the area of Community Oriented Policing.

A. **RECOMMENDATION FOR SERVICE AWARD**

1. A supervisor who believes that the action of a subordinate might warrant the awarding of a service award shall submit a memorandum to their Command Officer/Manager. The report shall include a statement of the action and an identification which will assist in an evaluation of the action.

B. **ROUTING FOR RECOMMENDATION FOR SERVICE AWARD**

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1. The routing shall be forwarded to Commanders/Managers in charge of their respective areas.

C. ACTION OF THE ASSISTANT SHERIFF

1. Final approval of the awarding of the Service Award shall be decided by the Area Commander in charge. They will discuss the merits of each candidate with the Assistant Sheriff.

D. FILING COMMENDATION REPORT

1. Supervisors annually throughout the month of August shall submit the names of employees who are intended recipients for the Service Award Medal through their chain of command.

E. DISPLAY OF SERVICE AWARD MEDAL

1. The employee shall receive a medal/ribbon (or other appropriate award for civilian employees) representing their contribution in the area of Community Oriented Policing. A white bar, with gold lettering, identifying it as being awarded for service will be given to each employee to wear with their duty uniform. Any employee who has received five annual Service Awards shall receive the department's Gold Service Award. These medals/ribbons shall depict a gold background with white lettering. Each respective Commander/Manager is responsible for ensuring the Sheriff's Secretary has an accurate account of the number of Service Awards each employee has obtained.
 - (a) The bar will be placed above the employee's name tag, and centered. The bar awarded for Service Award shall be worn at the discretion of the employee during regular duty hours.

1015.3.5 EMPLOYEE OF THE YEAR

The distinction of being recognized as employee of the year falls under (3) categories including Deputy Sheriff of the Year, Detentions Deputy of the Year, and Support Personnel of the Year.

- A. **RECOMMENDATION FOR EMPLOYEE OF THE YEAR** Supervisors are directed to make a fair assessment of each employee who falls under their command. Supervisors shall take into consideration each employee's achievements noting their commitment to excellence. Criteria for making a final selection should include:

1. Exceptional or outstanding performance supported by monthly counseling and annual evaluations.
2. Commendation/recognition of special awards.
3. Public Service.

- B. **ROUTING OF RECOMMENDATION FOR EMPLOYEE OF THE YEAR**

1. Supervisors are directed to submit in writing a report, carefully outlining supportive documentation which will be utilized in the selection process. Through the chain of command your written essay must be submitted no later than August 15th.

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2. Management personnel are expected to become actively involved, and may submit additional supportive documentation indicating their candidate of choice. August 15th remains the deadline and all written material must be submitted.
3. Management personnel of each respective area shall assemble and discuss the merits of each candidate who has been nominated. They shall record their findings and submit their recommendation to the Sheriff. It is quite possible, if not probable, that more than one name from each respective division shall be submitted. The final selection shall be made exclusively by the Sheriff.

C. ACTION OF THE SHERIFF

1. Final approval of the awarding of employee of the year shall be given by the Sheriff. The Sheriff shall announce the names of the employees who were selected as employee of the year from their divisions.
2. The department will display a wall plaque in public view depicting the names of the recipients and recording the year each recipient received this prestigious honor. The employees shall receive a plaque honoring them as the employee of the year.

D. FILING COMMENDATION REPORT

1. For each employee that was awarded employee of the year, a copy of the commendation shall be placed in their personnel file.
 - (a) Recognition for employee of the year shall not become a popularity contest. The intent of this distinguished award honors those employees whose dedication and loyalty to this organization is beyond reproach. Past recipients of this award shall be just as eligible for consideration each year.

1015.3.6 RESERVE DEPUTY OF THE YEAR

The distinction of being recognized as a Reserve Deputy of the year is a prestigious honor depicting one's commitment to public service.

A. RECOMMENDATION FOR RESERVE DEPUTY OF THE YEAR

1. Management personnel working in conjunction with supervisors in charge of the Reserve program are directed to make a fair assessment of each candidate who falls under their command. Taken into consideration is each Reserve's achievements noting their commitment to excellence.
2. Criteria for making a final selection should include:
 - (a) Exceptional or outstanding performance supported by annual evaluations.
 - (b) Commendation/recognition of special awards.
 - (c) Public Service

B. ROUTING OF RECOMMENDATION FOR RESERVE DEPUTY OF THE YEAR

1. Supervisors in charge of the Reserve Program are directed to submit in writing a report to their superior carefully outlining supportive documentation which will be utilized in the selection process.

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2. The written essay must be submitted no later than August 15th. All supportive documentation indicating the candidate of choice shall be routed through each respective Assistant Sheriff.

C. ACTION OF THE SHERIFF

1. Final approval of the awarding of Reserve Deputy of the Year shall be given by the Sheriff. The Sheriff shall announce each recipient's name who was selected as the Reserve Deputy of the Year.

D. FILING COMMENDATION REPORT

1. Each recipient who has been awarded the Reserve Deputy of the year shall have a copy of the commendation placed in their personnel file.

E. DISPLAY OF RESERVE DEPUTY OF THE YEAR

1. The department will display a wall plaque in public view for Reserve Deputy of the year recipients. This plaque shall depict the names recording the year each recipient received this prestigious honor. Each recipient shall receive a plaque honoring them as the Reserve Deputy of the year.

1015.3.7 CITIZEN OF THE YEAR

The Citizen of the Year may be awarded to anyone residing in Kings County who demonstrates distinguished unselfish acts and exemplifies a spirit of cooperation in connection with public service.

A. RECOMMENDATION FOR CITIZEN OF THE YEAR

1. Managers are directed to submit in writing to their superior a report carefully outlining supportive documentation which will be utilized in this selection process. Your written essay must be submitted no later than August 15th.

B. ROUTING OF RECOMMENDATION FOR CITIZEN OF THE YEAR

1. Management personnel of each respective area shall assemble and discuss the merits of each candidate who has been nominated. They shall record their findings and submit their recommendation to the Sheriff.

C. ACTION OF THE SHERIFF

1. Final approval of the awarding of the Citizen of the Year shall be given by the Sheriff. The Sheriff shall announce the name of the Citizen of the year.

D. DISPLAY OF CITIZEN OF THE YEAR

1. The department will display a wall plaque in public view for Citizen of the year recipients. This plaque shall depict the names recording the year each recipient received this prestigious honor. Each recipient shall receive a plaque honoring them as Citizen of the year.

Deputy Funerals

1016.1 PURPOSE AND SCOPE

To publish guidelines for use in the event of a Deputy's death.

A. In the event of the death of a active or retired Deputy, funeral arrangements may include participation by uniformed Deputies.

B. Requests by the family for assistance and/or participation by departmental personnel will be directed to the Sheriff or his designee.

1016.2 PROCEDURE

Participating uniformed Deputies may include pallbearers, color guard, honor guard, escort and other uniformed Deputies. Dress uniform will be worn. (Class A).

1016.3 RESERVE DEPUTIES

In the event of the death of a Reserve Deputy in the line of duty, requests for assistance and/or participation by uniformed Reserve Deputies will be directed to the Reserve Coordinator. Participation of regular Deputies will be at the discretion of the Sheriff.

Fitness for Duty

1017.1 PURPOSE AND SCOPE

All deputies 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 deputies of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1017.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department 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.

1017.3 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 the Watch Commander or employee's available Division Commander, 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.

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1017.4 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.

1017.5 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 the Watch Commander or unit supervisor and concurrence of a Division Commander, 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.

1017.6 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 Department 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. 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)).
- (c) In order to facilitate the examination of any employee, the Department 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. Any failure to comply with such an order and any failure to cooperate with the

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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.

1017.7 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 Personnel Complaints Policy.

Meal Periods and Breaks

1018.1 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.

1018.1.1 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, 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 in the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Dispatch Center.

1018.2 CODE SEVEN/COFFEE BREAKS FOR SHIFT WORK EMPLOYEES

- A. Personnel will be permitted a one half hour break for meals and two fifteen minute coffee breaks during an eight hour shift. Lunch will not be permitted during the first one and one half hours or the last one and one half hours. Supervisors may adjust these hours to assure shift coverage.
- B. Personnel will be permitted one hour for meals and two fifteen minute coffee breaks during a nine hour shift. Lunch will not be permitted during the first one and one half hours or the last one and one half hours. Supervisors may adjust these hours to assure shift coverage.
- C. Personnel will be permitted a forty five (45) minute break for meals and two twenty (20) minute coffee breaks during a twelve (12) hour shift. Lunch will not be permitted during the first one and one half hours or the last one and one half hours of a tour of duty. Supervisors may adjust these hours to assure shift coverage.
- D. Field personnel are discouraged from congregating at one time for the purpose of meals or coffee breaks unless prior approval is obtained from the supervisor.

1018.3 MEAL/COFFEE BREAKS FOR NON-SHIFT EMPLOYEES

Personnel will be permitted one hour for meals and two fifteen minute coffee breaks. Lunch will not be permitted during the first one and one half hours or the last one and one half hours. Supervisors may adjust these hours to assure shift coverage.

Lactation Break Policy

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

1019.2 POLICY

It is the policy of this office to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

1019.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt office operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1019.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1019.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member ends her shift.

1019.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Payroll Records

1020.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of office members who are eligible for the payment of wages.

1020.2 POLICY

The Kings County Sheriff's Office maintains timely and accurate payroll records.

1020.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1020.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the County payroll procedures.

1020.5 RECORDS

The Administration Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation Requests

1021.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1021.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 80 hours of compensatory time.

1021.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1021.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

1021.2.2 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 card, the overtime payment request form is forwarded to the employee's Division Commander for final approval.

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1021.3 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, (Refer to your current MOU)

1021.3.1 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

1021.3.2 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, See attachment below.

[See attachment: Chart of conversion.pdf](#)

Annual Leave / Compensation Time / Holiday and Other Leave Time

1022.1 PURPOSE AND SCOPE

It is the Departments policy that employees may take their accrued leave when possible.

1022.2 ANNUAL LEAVE

- A. Annual Leave is the earned vacation time each employee receives, based on length of employment with the County. (Refer to Kings County Personnel Rules, section 7011.1)
- B. Responsibility for scheduling of annual vacation will rest with the employee's division Commander/Manager and this responsibility may be designator to the supervisory level.
- C. Requests for time off other than vacation will be granted based on the urgency of the request, and the necessity of staffing in the department or division, at the discretion of the Supervisor/Division Manager.
- D. Employees will submit and receive approval on a pink County Leave of Absence Request form, via the chain of command, in advance of the requested time off. All annual leave shall be shown on a Sheriff's Department Supplemental Time Report.
- E. All annual leave shall be recorded opposite the "Vacation Taken" heading on the Payroll Time card.

1022.3 COMPENSATORY (COMP TIME) TAKEN

- A. Comp. Time taken may be used in the same pay period as Comp. Time Worked with advance approval of the Supervisor.
- B. Employees will submit and receive approval on a pink County Leave of Absence Request form, via the chain of command, in advance of the requested time off. All Comp. Time Taken shall be shown on a Sheriff's Department Supplemental Time Report.
- C. All Comp. Time Taken shall be recorded opposite the "Comp. Time Taken" heading on the Payroll Time Card.

1022.4 HOLIDAY TIME TAKEN

Kings County will designate what days are considered holidays for County employees. This list will be distributed to all KCSO Divisions. Holiday Time will be governed by the respective MOU's of each bargaining unit.

1022.5 OTHER TIME TAKEN

Any exceptions to a normal workweek Payroll Card must be addressed on a Supplemental Time Report and entered appropriately on the Payroll Card (i.e., LWOP STB/SBP Admin Leave).

Outside Employment

1023.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental 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.

1023.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department 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 this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department 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 this department so that the Department may be reimbursed for the cost of wages and benefits.

1023.2 OBTAINING APPROVAL

No member of this department 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 a Secondary Employment Request form which shall be submitted to the employee's immediate supervisor. The Secondary Employment Request Form will then be forwarded through channels to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved form. Unless otherwise indicated in writing on the approved form, the form will be valid through the end of the calendar year in which the form is approved. Any employee seeking to renew their Secondary Employment Request Form, shall submit their new form through the above channels no later than the conclusion of the Second pay-period of that subsequent year.

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)).

1023.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

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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).

1023.2.2 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 this department 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 department 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

1023.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department 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 departmental time, facilities, equipment or supplies, the use of the Department 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 this department 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 department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

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1023.3.1 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 this department may engage in any outside or secondary 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 this department 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 Department.

- (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 departmental uniform/identification.
 2. The deputy(s) shall be subject to the rules and regulations of this department.
 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.

1023.3.2 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 department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1023.3.3 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.

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1023.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1023.4.1 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 the Revocation/Suspension of Outside Employment Permits section of this policy.

1023.5 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 channels. 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.

1023.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department 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:

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- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment 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 Kings County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1024.1.1 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.).

1024.2 POLICY

The Kings County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1024.3 RESPONSIBILITIES

1024.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1024.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1024.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administration Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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Occupational Disease and Work-Related Injury Reporting

1024.3.4 SHERIFF RESPONSIBILITIES

The Sheriff shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

1024.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administration Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1024.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1024.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1025.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1025.2 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.

1025.2.1 HAIR

Hairstyles of all members shall be neat in appearance. 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.

1025.2.2 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.

1025.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1025.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his or her designee.

1025.2.5 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.

1025.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by 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

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Sheriff or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

1025.3 TATTOOS

While on-duty or representing the Department 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 Department 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.

Exceptions:

Those current employee's, as of June 28th 2012, with existing tattoos that are visible outside of their uniform will be allowed an exemption. However any new tattoo's will need to meet current policy guidelines.

Sworn peace officers assigned to a Specialty Unit where a visible tattoo would not hinder daily work will be allowed to display them. Examples of this would be an assignment to a Narcotics or Gang Unit.

1025.4 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.

1025.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniform Regulations

1026.1 PURPOSE AND SCOPE

The uniform policy of the Kings 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 office uniforms. Employees should also refer to the following associated policies:

Office Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Sheriff or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Kings County Sheriff's Office will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1026.2 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 (Penal Code § 13655).
- (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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- (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, class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
 - 3. Medical alert bracelet

1026.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department 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 department, employees shall display their department 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 Division Commander.

1026.2.2 CLASS "A" UNIFORM AND CIVILIAN CLOTHING

- (a) BELTS. The class "A" uniform belt shall be 1 1/2 " or 1 1/4 " wide black weave with gold buckle, nylon or velcro trouser belt is authorized when worn under duty belt.
- (b) BOOTS / SHOES. Detention and Operations Personnel:
 - 1. Shoes shall be black with plain toe, no stitches or caps and may be leather or patent leather
 - 2. Boots shall be black with plain toe and may be western or combat style.
 - 3. Shoes for Communications and Records Personnel shall be black, with a closed toe and heel. Heels shall be no more than 3 " in height.
- (c) CHEVRONS. Chevrons shall be issued by the Department. Chevrons shall be worn 1/2 below shoulder patch.
- (d) HATS. Felt-Stratton F-40DB Campaign Style. OD green with Kentucky style 3-piece strap. Gold braid and acorns for management. Gold/Black braid with gold acorns for Sergeants and below (to include Chaplains).
- (e) Optional Cowboy Hat, Felt-Stetson Skyline 6X, Model Number SFSKYL-75406171, Color 61 Silverbelly.
- (f) INSIGNIA OF STAFF RANK. The insignia of staff rank will be issued by the Department. Shirt insignia shall be gold and worn centered on the shirt collar and

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parallel to the top stitching on the collar seam. Jacket insignia shall be gold and worn on the shoulder 1 " from the shoulder seam.

- (g) JACKET. Green "Sinatra" brand "Command Style" jacket. The Class "A" jacket shall have a 5-button front with gold "S" (Sheriff) buttons. The jacket shall have pleated breast pockets with scalloped flaps and a badge tab. (Stock #JK-152).
- (h) NAME TAG. Gold with black lettering. The name tag shall be worn above the right breast shirt or jacket pocket. The name tag shall be centered directly above the pocket, with the bottom of the name tag parallel with and touching the top of the pocket. It shall bear only the first initial and last name of the Deputy in block print.
- (i) PATCHES. Shoulder patches shall be Department issue. Patches shall be worn 1/2 " below the shoulder seam on jackets, shirts and raincoats.
- (j) SERVICE STRIPES. Service stripes shall be worn to indicate years of law enforcement service. One service stripe shall be worn for each four years of service. They shall be made of gold and green embroidery thread. Colors to match Departmental chevrons and patches. The center portion is to be green, 3/8 " wide and 2 " long. The trim surrounding the green portion is to be gold, 3/32 " wide. Stripes are to be placed on the left sleeve either by embroidering directly on the sleeve or by matching cloth on cloth at a 45 degree angle with the lower end of the stripe toward the inside seam of the sleeve. On the Class A jacket, the stripe will be placed 3/4 " above the top edge of the top sleeve braid with the stripe centered on the sleeve between the front rear pressed crease. On the long sleeve shirts, the stripe will be placed the same as on the jacket except it is to be 3/4 " above the top seam of the sleeve cuff with the complete stripe in front of the center press of the sleeve. Additional stripes will be placed above and parallel to the first stripe with 1/4 " background between the stripes.
- (k) SHIRTS. Long sleeve, tan, banjo elbows. (Mandatory dry clean.)
 - (a) Male Deputies and Communications
 - (a) Elbeco #247-3
 - (b) Flying Cross #40W6504
 - (c) Conqueror #476
 - (d) 5.11 #72344-160
 - (b) Female Deputies and Communications
 - (a) Elbeco #8697
 - (b) Flying Cross #109R6504
 - (c) Conqueror #1268
 - (d) 5.11 #62064-160
 - (c) Records personnel shall wear a white long sleeve shirt
 - (a) Elbeco Duty Plus
 - (b) Clifton
 - (c) Department approved polo shirt

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- (d) SKIRTS. Communications and Records personnel shall be Horace Small material, custom made.
- (e) SOCKS. Socks shall be worn. (The policy shall apply to class "B" and "C" as well.)
- (f) Detentions and Operations Personnel may wear white socks with boots of 6 " or greater. Black socks will be worn with all other shoes or boots less than 6 "in height.
- (g) Communications and Records Personnel will wear black socks with trousers.
- (h) NYLONS. Communications and Records Divisions will wear natural/neutral shade nylons when in class "A" uniform skirt.
- (i) TIE. The tie for Detentions and Operations personnel will be worsted weave, black uniform 3 to 3 1/2 " wide, of sufficient length to reach the top of the uniform belt buckle
- (j) Female Communications and Records personnel will wear a black criss/cross tie. Male Communications and records personnel will wear the same as Operations personnel
- (k) TIE BAR. The tie bar shall be 3 " by 5/16 " gold. Tie bars shall be worn horizontal to the lower edge of the flap on the shirt pocket.
- (l) TROUSERS. Detentions and Operations personnel:
 - (a) Heather forest green straight side pocket key stone belt loop sap pockets. Raeford 646-168, 55% Dacron polyester 45% worsted wool. Trousers will have a braid along the side seam from the bottom of the waistband to the cuff. Braid for management Personnel will be 3/4 " A.H. Rice article 7100 color 96 (gold). Braid for sergeants will be 1/2" A.H. Rice Article 3644 color 96 (gold). Braid for all personnel will be 1/2" A.H. Rice Article 2914, color combinations 5 (Gold-Brown-Gold).(Mandatory dry clean)

1026.3 CLASS "B" UNIFORM SPECIFICATIONS

(a) BOOTS / SHOES.

1. Operation Personnel; Boots shall be black with plain toe and may be western or combat style. Shoes shall be black with plain toe, no stitches or caps and may be leather or patent leather. Additionally, athletic type shoes, sandals, thongs (flip flops/zorries) or backless shoes are prohibited.
2. Records personnel shall wear black or brown shoes with a closed toe and heel. The heels shall be no more than 3" in height.
3. Communications personnel shall wear black shoes or boots with a closed toe and heel. The heels shall be no more than 3" in height.
4. Animal Control personnel shall wear black high top boots. Laced boots are permitted. Rubber boots will be furnished by the Department.

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- (b) CHEVRONS. Detentions, Operations and Communications personnel will wear Department issued chevrons. Chevrons shall be worn 1/2" below shoulder patch.
- (c) COVERALLS. Animal Control personnel, when acting as the night officer may wear forest green coveralls if appropriate. Shoulder patches, badge, etc. are affixed to coveralls.
- (d) FOUL WEATHER JACKET. The foul weather jacket for the Operations and Detentions Divisions shall have California Sheriff's buttons. Cloth name plates are acceptable. The following jackets comply with Departmental specifications:
 - (a) Horace Small green "New Generation" #2303 waist length.
 - (b) Tact Squad Green
 - (c) Fechheimer "ULTRA" lot Number 58135 (Green)
 - (d) Fechheimer "SPECTRUM" Lot Number 78135 (Green).
- (e) GUN BELT, BELTS AND ACCESSORIES. Detentions and Operations personnel shall wear a "Sam Brown" style, black basket weave with gold fasteners or black basket weave velcro belts.
 - 1. NYLON. Bianchi Accumold nylon equipment is optional.
 - 2. Animal Control personnel shall wear a black leather or nylon utility belt.
 - 3. Communications personnel shall wear a black belt. Records personnel shall wear a black or brown belt.
- (f) HAT (Optional). The Department hat is a Stratton S-40 Straw Campaign hat for general purposes. Kentucky style 3-piece strap. Gold braid and acorns for management. Gold/black braid with gold acorns for Sergeants and below.
- (g) HAT (Optional). A natural color straw cowboy hat is also permitted. Hat shall be solid with no designed venting pattern (Three hole venting only), Hat band shall be plain and brown in color. Unusual shaping of the hat is not permitted.
- (h) JUMPSUIT. Detentions personnel may wear the optional jumpsuit which will be spruce/military olive drab green Pro-Tuff brand, lot numbers WS107SU, WS1107 or WS1107EC, 65% polyester 35% cotton blend fabric. The jumpsuits must have zippered rear pockets. Sleeves may be long or short. Long sleeves will not be rolled up.
 - 1. Jumpsuits may be worn by the rank of detentions deputies and above.
 - 2. Jumpsuits will not be worn to court appearances or during jury trials.
 - 3. Name Tape. The name tape shall be worn over the right breast pocket and centered over the pocket, with the bottom of the name tape parallel with and touching the top of the pocket. It shall bear only the first initial and last name of the officer in block print. The name tape will have gold embroidering with a spruce/military olive drab background.
 - 4. Patches shall be Department issue. Patches shall be worn 1/2" below the shoulder seam.

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5. Chevrons shall be Department issue. Chevrons shall be worn 1/2" below the shoulder patch.
6. Insignia of Staff Rank shall be Department issue. Shirt insignia shall be gold and worn centered on the jumpsuit collar and parallel to the top stitching on the collar seam.
7. Belt. The uniform belt shall be one and one half or one and three quarter inch black basket weave leather with gold buckle.
8. Belt Loops. The jumpsuits will have five to seven belt loops proportionally spaced depending on the size of the uniform. They will be 1 " wide and shall accommodate a 1 3/4 " belt.
9. Epaulets. Epaulets shall be sewn on each shoulder. They will be 2 " wide and will be sewn at the shoulder seam and run across to the collar line secured with a button.
10. Gun Belt and Accessories. The gun belt will be "Sam Brown" style, black basket weave with gold fasteners.
 - (a) NYLON. Bianchi Accumold nylon equipment is optional.
11. Undershirts. Undershirts shall be worn with jumpsuits. They will be white crew neck with no logos, figures, designs, or lettering.
12. Boots. Only boots will be worn with jumpsuits. No shoes will be allowed. Boots will be plain toe, lace up, combat type, with a minimum height of 6 " measured from the bottom of the heel to the top of the boot. The jumpsuit will be bloused at the boot tops.
13. Socks. White socks may be worn.
 - (i) PATCHES. Communications, Detentions and Operations personnel shall follow the specifications of section 1046.5(j) for jackets, shirts and raincoats.
 - (j) SHIRT. Communications, Detentions, Operations and Animal Control personnel may wear short sleeve or long sleeve shirts. Long sleeve shirts fall under section 1046.5(l).
 1. Short sleeve shirts shall be tan, CHP approved, with rounded flat pockets. (Mandatory dry clean.)
 - (a) Male personnel
 - (a) Elbeco #24/-8
 - (b) Flying Cross #90R6504
 - (c) Conqueror #260
 - (d) 5.11 PDU 5.78-oz twill-71177-160
 - (e) 5.11 PDU (long sleeve)-72345-160
 - (f) 5.11 RAPID PDU (long-sleeve)_ - 72197
 - (g) 5.11 RAPID PDU (short-sleeve) - 71332

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- (h) First Tactical Men's V2 Pro (long-sleeve) - 111015
- (i) First Tactical Men's V2 Pro (short-sleeve) - 111012
- (j) First Tactical Men's Pro Duty Uniform (short-sleeve) - 112001
- (k) First Tactical Men's Pro Duty Uniform (long-sleeve) - 111011
- (b) Female personnel
 - (a) Elbeco #8687
 - (b) Flying Cross #159R6504
 - (c) Conqueror #139
 - (d) 5.11 PDU 61159-160
 - (e) 5.11 PDU 62065-160 (long sleeve)
 - (f) 5.11 RAPID PDU (long-sleeve) - 62372
 - (g) 5.11 RAPID PDU (short-sleeve) - 71332
 - (h) First Tactical Women's V2 Pro (long-sleeve) - 121015
 - (i) First Tactical Women's V2 Pro (short-sleeve) - 122012
 - (j) First Tactical Women's Pro Duty Uniform (short-sleeve) - 122001
 - (k) First Tactical Women's Pro Duty Uniform (long-sleeve) - 121011
- 2. Records personnel shall wear a green or tan "Polo" short sleeve shirt with Sheriff Insignia on left front and first name of employee and rank designation (Senior Records Clerk, Records Supervisor) on right front. Shirts will be worn tucked in.
 - (a) SKIRT. Records personnel may wear a skirt made of polyester / cotton Blend Cotton Twill Skirt Khaki (Tan) or Black in Color. The skirt shall have a pleated front and be made of 65% polyester / 35% cotton.
 - (b) SOCKS. Communications and Records personnel shall refer to section 1046.5(k).
 - (c) SWEATER / JACKET. Communications and Records personnel may wear a black sweater or jacket.
 - 1. If a sweater/jacket is worn within the Records Division while on duty, it will be worn in such a way as to not cover the star insignia, or the employee's name and title.
 - (d) TROUSERS. Communications, Detentions, and Operations personnel have the option of wearing class "B" uniform trousers. The trousers shall be either:
 - 1. Heather forest green, straight side pockets key stone belt loops, sap pockets. Horace Small 100% dacron polyester. Management personnel shall wear 3/4" A.H. Rice Article 7100 color 96 (Gold) braid on Class "B" Uniform trousers.

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- (e) Male Deputies have the option to wear:
 - (a) Horace Small lot #1323
 - (b) Hercules SWS lot #7700-2
 - (c) 5.11 PDU Twill lot #74326-890
 - (d) First Tactical Men's V2 BDU - 114012
- (f) Female Deputies have the option to wear:
 - (a) Horace Small lot #1583
 - (b) Hercules SWS lot #L7700-2 2.BDU. Communications, Detentions, and Operations personnel have the option of wearing "BDU" for class "B". Animal Control personnel may wear the BDU trousers or forest green jeans. The following are approved for wear: (All BDU trousers will be dry cleaned only.)
 - (c) 5.11 PDU Twill lot #64306-890
 - (d) First Tactical Women's V2 BDU - 124012

NOTE: At the Sheriff's discretion, this policy may be revised if the trousers are not maintained at an acceptable standard. The Sheriff, Division Commander, or Watch Commander shall have the option to limit the wearing of the BDU trousers on occasions when the uniform is deemed inappropriate.

- (a) Pro-Tuff #US101P, spruce green, straight leg, (no blousing), two front quarter pockets, two covered hip pockets, two covered box pleated pockets on each calf. Belt loops large enough for a Sam Brown under belt made of 7.25 ounce indestructible TM Twill. Trousers shall be solid spruce green and not have braid along the side seam.
- (b) Optional BDU trousers will include Flying Cross (Fechheimer) #49345 "Command Trousers with Cargo Pockets", spruce green, straight leg, two box cargo pockets with hidden interior pockets. Belt loops large enough for a Sam Brown underbelt. Trousers shall be solid spruce green and not have braid along the side seam.
- (c) The following are conditions when the BDU trousers may or may not be worn:
 - 1. The BDU trousers may be worn by patrol personnel on both Watch I and II during normal patrol hours.
 - 2. The BDU trousers generally will not be worn when appearing in court.
 - 3. Command Staff may wear BDU trousers at their discretion.
- (d) Records personnel shall wear polyester / cotton blend Cotton Twill Pant, khaki (tan) or black in color (Men & Women). These trousers will be made of 65% polyester/35% cotton and be flat or pleated front.
- (e) Turtleneck and "Mock" Turtleneck. Communications, Detentions and Operations personnel may wear black turtleneck shirts or black "mock" turtleneck shirts underneath the long-sleeved uniform shirt. The turtleneck / "mock" turtleneck shall be solid black with no emblems, initials, or embossing of any kind.

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- (f) Undershirts. Undershirts shall be worn by Detentions and Operations personnel with short sleeved shirts. The undershirts shall be white or black crew neck with no logos, figures, designs, or lettering.
- (g) Communications will wear crew neck undershirts with short sleeved shirts with no logos, figures, designs, or lettering.

1026.4 WEARING OF THE CLASS "C" OR SPECIAL DUTY UNIFORM SPECIFICATIONS

The Class "C" uniform shall be worn at the direction of the Division Commander / Manager or when assigned to special details in the Detentions and Operations Divisions.

- (a) The Class "C" uniform cannot be worn in the following assignments:
 - 1. Transport unit
 - 2. Duty assignments outside the jail
 - 3. When appearing in court
 - 4. Office assignments
- (b) BALL CAPS
 - 1. Ball caps may be worn within the Detentions Facility, on routine patrol and any other specialty assignment as approved by the respective Division Commander / Manager. Ball caps may not be worn by Bailiffs or Transportation Deputies, in court, or during any function requiring the wearing of a Class "A" Uniform.
 - (a) The approved cap will be solid black in color with an approved gold Sheriff's star on the front, with no other insignia or markings.
 - (b) The Cap can be either "flex fit" or have an adjustable closure" sizing strap.
 - (c) The ball caps must be maintained in a clean manner and may not be allowed to become discolored or misshapen.
 - 2. CLOTH BADGES: Department issue. Restricted to foul weather jackets, raincoat, special duty shirts, and ball caps.
- (c) LOAD-BEARING VESTS
 - (a) Load-bearing vests shall be issued by the Sheriff Office. Specific manufacturer, placement of utility pouches and overall design must be pre-approved by the Division Commander / Manager. The first initial and last name of the Deputy and "Sheriff" must be displayed and affixed to the right breast pouch. . A Sheriff's Office cloth badge must be affixed to the left breast pouch."SHERIFF" in all capital letters must be embroidered and affixed to the back of the vest.
 - (b) HOLSTER. The Safariland tactical leg holster, model 7360RDS-28327-411 may be worn as an optional holster with the load-bearing vest.
 - (c) Load-Bearing Vests may be worn by Deputies.
- (d) RAIN COAT: The rain coat for Detentions and Operations Divisions shall be the "Neese" brand, fluorescent green on outside with reversible black inside.

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1. The style UN011-32-1-RL90, #475RC3M. Both the green and black sides shall have:
 - (a) "Kings County Sheriff" with a six-pointed star in reflective lettering on the left chest.
 - (b) "Sheriff" in reflective lettering on the back.
- (e) SHIRT: Detentions and Operations Personnel will wear as a class "C" shirt the Department specified long or short sleeve with cloth badge and name plate.
 1. The cloth nameplate will be gold lettering on green background.
 2. Tie is not required
- (f) TROUSERS: Detentions and Operations personnel will wear the BDU trousers outlined in section 1046.6(n) for class "C" assignments.
 - (a) Detentions Deputies may blouse BDU trousers.
- (g) UNDERSHIRT: Detentions and Operations personnel will wear white and black undershirts
- (h) BOOT/SHOES:
 1. Operation Personnel; Boots shall be black with plain toe and may be western or combat style. Shoes shall be black with plain toe, no stitches or caps and may be leather or patent leather. Additionally, athletic type shoes, sandals, thongs (flip flops/zorries) or backless shoes are prohibited.
 2. Animal Control personnel shall wear black high top boots. Laced boots are permitted. Rubber boots will be furnished by the Department.
 3. Communications personnel shall wear black shoes or boots with a closed toe and heel. The heels shall be no more than 3" in height.
 4. Records personnel shall wear black or brown shoes with a closed toe and heel. The heels shall be no more than 3" in height.
- (i) SPECIAL DUTY UNIFORM: This uniform shall be worn only while assigned to special unit or details such as canine, strikes or search and rescue operations.
 - (a) RIVER PATROL pants shall be dark green "SPORTIF" style 630170, M's "Patrol Cargo Shorts."
 - (b) SHIRT for special duty shall comply with the section 1046.75
- (j) K-9: The Special Duty uniform for the K-9 unit shall be as follows: (All K-9 Special duty uniforms shall be dry clean only.)
 1. SHIRT. The K-9 shirt shall be Pro-Tuff #US101S, Olive Green. Two large pleated and flapped chest pockets. No pencil pocket on sleeve or badge tab. Made of 65/35 Poly/Cotton micro-sanded mechanical stretch, 8 oz. "comfort twill". Shirt will have Department issued cloth badge.
 2. An optional K-9 shirt will include Flying Cross by Fechheimer #528X5810 BDU. Long sleeve shirt may be modified to short sleeve, spruce green, straight

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sleeves, plain front coat style with full-length tail, form fitting, convertible collar, two inverted pleats breast pockets with rectangular flaps, shoulder straps and a full badge patch. The back to have a double yoke.

3. The K-9 shirt will include the deputy's first initial and last name which will be embroidered using gold thread, in block, 1/2 " bold lettering and centered above the right chest pocket (Example:J.DOE). Centered above the deputy's name, the words "K-9 UNIT" will be embroidered using gold thread, in block, 1/2 " bold lettering.(c) TROUSERS. The K-9 trousers shall comply with those listed in section 1046.6(n).
- (k) UNIFORM SPECIFICATIONS FOR ALL CULINARY PERSONNEL: The following shall be the uniform specifications for culinary personnel
1. Hat, Cap or Hairnet shall be worn while culinary personnel are in food preparation areas.
 2. Shirts, Pants and Undergarments shall be white uniform shirt and white uniform pants. Undergarments shall be white and female culinary employees shall wear a bra.
 3. Shoes shall have closed toes with non-slip soles. Color shall be white or black.
 4. Patches shall be issued by the Department. The patches shall be worn 1/2 " below the shoulder seam on uniform clothing.

1026.5 FORMAL INSPECTIONS AND APPEARANCE OF UNIFORM

All uniform wearing employees may be formally inspected annually. The purpose of the inspection is to ensure all uniform employees have proper uniforms, equipment and are wearing and maintaining them as prescribed. Employees shall keep their uniforms clean and pressed with military creases. Badges and name tags shall be kept clean and bright. Leather accessories and shoes shall be well polished. Nylon gear shall be clean and well maintained.

- (a) Altering Uniforms. Uniforms shall be made of the material, type, and style prescribed in section 1046Uniform Specifications. Such style shall not be altered, other than for sizing, in any manner without authorization of the Sheriff.
- (b) On-duty Deputies shall be in complete uniform (except for the uniform hat) unless assigned to plainclothes duty, or specifically directed otherwise by Division Commander or Manager. The wearing of hats shall be optional, unless otherwise directed by the Sheriff.
- (c) The shift supervisor shall be responsible for ensuring that the employees on their shift adhere to uniform, equipment and weapons policies.

1026.6 WEARING OF THE UNIFORM

Deputies may wear long or short sleeve shirts at any time of the year.

- (a) Sleeves not to be rolled up. Sleeves on long sleeve shirts are not to be rolled up routinely.
- (b) Tee- Shirt not visible. Tee-shirt sleeves shall not be visible when wearing short sleeve shirts.

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- (c) Military creases. Uniform shirts shall not have stitched military creases.
- (d) Tie bars shall be worn horizontal to the lower edge of the flap on the shirt pocket.
- (e) Tennis shoes / athletic type shoes shall not be worn.
- (f) All records and communications personnel will maintain a class "A" uniform in serviceable condition.

1026.7 PERSONAL APPEARANCE OF UNIFORM PERSONNEL

Sheriff's Office employees in uniform shall follow the specifications listed in this section regarding grooming.

(a) MALE PERSONNEL

- (a) Hair. The hair shall be styled in such a manner to not extend into the eyes or otherwise interfere with vision. The back of the hair may be cut in any style as long as it does not extend more than one inch below the top of the long sleeved shirt collar when the head is held erect. The hair shall be styled in such a fashion to not extend below the middle of the ear. There shall be no extreme styles or unnatural colors. "Natural" hairstyles shall be no longer than four inches from any part of his head. Wigs or hairpieces must conform to the same standards. In no event should the length of the hair or the style preclude the proper wearing of a helmet, uniform hat, or gas mask.
- (b) Sideburns. Sideburns shall be no longer than the bottom of the earlobe. They shall be trimmed so that they do not extend and do not flare more than 1/2 " wider at the bottom than the width of the sideburn. There must be distinct separation between the mustache and sideburn.
- (c) Mustaches. Mustaches shall be kept neatly trimmed and well-groomed. They shall not extend beyond or below the corner of the mouth. They shall not be waxed.
- (d) Beards. Not permitted.
- (e) Jewelry. Jewelry decoration shall not be worn on the nose, tongue, or any part of the body that is visible to the public except as provided below.
 - (a) Chains or Choker type necklaces shall not be worn with the uniform. Religious or identification type may be worn but on a chain long enough to be invisible when worn with the short sleeve, open collar uniform shirt.
 - (b) Earrings are not permitted while in uniform.
 - (c) Rings. If worn, shall be only one conservative ring on each hand. Watch. If worn, shall be only one conservative watch.

(b) FEMALE PERSONNEL

- (a) Hair. The hair shall be styled in such a manner to not extend into the eyes or otherwise interfere with vision. The hair shall be worn above the top of the shoulder in length. If the hair is longer than shoulder length, it must be worn up in a neat fashion and securely fastened. There shall be no extreme styles or

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unnatural colors. "Natural" hair styles shall be no longer than 4 " from any part of the head. Wigs or hairpieces must conform to the same standards. In no event should the length of the hair or the style preclude the proper wearing of a helmet, uniform hat, or gas mask.

- (b) Make-up. The use of facial makeup shall be conservative. Excessive use of lipstick, rouge, foundation, mascara, eyebrow pencil, and eye shadow is not acceptable. Fingernails shall be inconspicuous, i.e., neither too long or too darkly or flashily colored. Fingernails shall not interfere with the ability to perform required job functions.
- (c) Clothing. All females shall wear bras while on duty (includes court appearances) unless specifically authorized not to do so because of special assignments.
- (d) Jewelry. Jewelry decoration shall not be worn on the nose, tongue, or any part of the body that is visible to the public except as provided below.a.
 - (a) Chains and Choker type necklaces shall not be worn with the uniform. Religious or identification type may be worn, but on a chain long enough to be invisible when worn with the short sleeve, open collar uniform shirt.
 - (b) Earrings. If worn, shall be only one pair of simple stud-type earrings worn in ear lobes.
 - (c) Rings. If worn, shall be only one conservative ring on each hand.
 - (d) Watch. If worn, shall be only one conservative watch.

1026.8 PLAIN CLOTHES ASSIGNMENT

The following are specification for plain clothes assignment. Exceptions to the following shall be approved by the Commander/Manager or their designee.

- (a) Males assigned to plain clothes, unless otherwise directed by the Commander / Manager or their designee, shall wear slacks and a shirt (button-up or polo shirt/no tee shirts) at all times. Shirt and tie or uniform will be worn for court.
- (b) Females assigned to plain clothes shall dress in a neat, business-like manner, unless otherwise directed by the Commander / Manager or their designee. Skirts shall be no more than four inches above the knee. Conservative necklines will be worn. Heels shall be no more than 3 " height.

1026.9 PERSONAL APPEARANCE OF NON-UNIFORM PERSONNEL

The following shall be the personal appearance specifications for non-uniform personnel.

- (a) MALE PERSONNEL
 - 1. Males will dress in a neat, professional, business like manner: shirts, slacks, and pants. Good judgment shall prevail. The Commander/Manager or their designee may grant exceptions during special assignments.
 - 2. Shirts. No tank tops or see-through tops. Shirts shall have a collar. No visible logos are permitted.

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3. Slacks / Pants. No skintight pants, shorts, sweat pants, recreational, or leisure pants. (Exception: see Friday/Casual Day Attire on next page). Jeans may be worn at the discretion of the Commander/Manager or their designee. This excludes jeans that are commercially faded, frayed, torn, tattered or otherwise decorated.
4. Shoes. No thongs, zorries, flip-flops, shower shoes or backless shoes.
5. Jewelry. All jewelry shall present a conservative, business-like appearance. Jewelry decoration shall not be worn on the nose, tongue, or any part of the body that is visible to the public.
6. Earrings. No earrings are permitted at work, except as approved by the Commander / Manager or their designee.
7. Rings. if worn, shall be only one conservative ring on each hand, watch if worn shall be only one conservative watch.
8. Goatees. Goatees are acceptable during plain clothes assignments if approved by the Commander / Manager or their designee. The goatee must be neatly trimmed, well-groomed and will not be grown in the same manner as a typical beard. Generally, there shall be no extreme styles, colors, or lengths, unless authorized by the Commander / Manager or their designee, for the necessity of a legitimate task. The hair shall be trimmed so it does not extend and does not flare more than a ". The hair growth shall be limited to no more than a " beyond the corners of the mouth or a " from the bottom of the chin, inwards towards the neck. The goatee shall not be waxed.
9. Mustaches. Mustaches shall be kept neatly trimmed and well-groomed. The mustache may not extend more than " beyond or below the corner of the mouth, unless integrated into the growth of an approved goatee. The mustache shall not be waxed.

(b) FEMALE PERSONNEL

1. Females will dress in a neat, professional, business like manner: dresses, skirts, blouses, shirts, slacks, and pants. Makeup shall be conservative. Good judgment shall prevail. The Commander/Manager or their designee may grant exceptions during special assignments.
2. Shirts, Blouses and Tops. No tank tops, see-through tops, tube tops, backless or strapless tops. Tops will not expose the stomach or the back. Necklines shall be conservative. No offensive logos are permitted. Bras must be worn at all times.
3. Slacks and Pants. Cropped pants are acceptable (i.e., pants that show the ankle only.) No skintight pants, shorts, sweat pants, recreational, or leisure pants. (Exception: see Friday/Casual Day Attire on next page). Jeans may be worn at the discretion of the Commander/Manager or their designee. This excludes jeans that are faded, frayed, torn, tattered or otherwise decorated. Light colored jeans must be approved in advance by the Commander/Manager.
4. Dresses and Skirts. Hemlines shall be no more than 4 " above the knee. Sundresses and/or backless strapless dresses shall be covered by a jacket.

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5. Shoes. No thongs, zorries, flip-flops, or shower shoes. Sandals must have some type of heel. Shoes must be appropriate for the employee's duty assignment and approved by the Commander / Manager.
6. Jewelry. All jewelry shall present a conservative, business-like appearance. Jewelry decoration shall not be worn on the nose, tongue, or any part of the body that is visible to the public except as provided below.
 - (a) Miscellaneous Jewelry. If worn, shall be approved by the Commander / Manager.
 - (b) Earrings. Stud earrings are acceptable. One set of hoop type earrings no larger than the size of a quarter may be worn in ear lobe.
 - (c) Rings. If worn, shall be only one conservative ring on each hand.
 - (d) Watch. If worn, shall be only one conservative watch.

1026.10 FRIDAY/CASUAL DAY (NON-UNIFORM PERSONNEL)

On Fridays only the following casual wear is generally allowed for authorized and/or non-uniform personnel. A neat, conservative and professional presentation shall be made to the public on Friday/Casual Day.

- (a) Shirts, Blouses and Tops. Casual shirts are acceptable. No tank tops, see-through tops, tube tops, backless or strapless tops. Tops will not expose the stomach or the back. Necklines shall be conservative. No offensive logos are permitted. Female employees shall wear a bra at all times. Polo shirts are optional and paid for by the employee.
- (b) Slacks and Pants. Mid-calf, Capri or Cropped pants are acceptable (i.e., pants that show only the lower part of the leg.) No shorts, sweat pants, or skintight pants. Females shall not wear mini-skirts. Jeans are acceptable. This excludes jeans that are faded, frayed torn, tattered or otherwise decorated. Light colored jeans must be approved in advance by the Commander/Manager.

1026.11 RECOGNITION EMBLEM

Support units or teams which are bonafide and recognized by the Sheriff shall be identified by wearing an authorized emblem. An employee who is a member of a bonafide and recognized unit or team shall be eligible to wear the respective emblem once they have met specific requirements designed for their specialized assignment.

- (a) Personnel authorized to wear emblems shall be members in good standing with the department, and currently a member of an identified unit/team. The recognized unit/teams are as follows:
 1. Special Weapons and Tactics (S.W.A.T.)
 2. Water Rescue Unit (W.R.U.)
 3. Canine Unit (K-9)
 4. Field Training Officer (F. T. O.)

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5. Jail Training Officer (J. T. O.)
 6. Special Events Reaction Team (S. E. R. T.)
- (b) Employees eligible to receive an authorized emblem shall pass all required training, and successfully complete their support unit/team probationary period prior to being awarded an emblem. The diversity of programs will dictate specific requirements unique to each unit/team.
- (c) Employees who have satisfactorily completed specific requirements set forth by their specialized assignment will notify the manager responsible for the team. Upon recommendation of the manager and approval of the Division Commander, the emblem shall be rewarded. (Notifications shall be made by memo).
- (d) Each manager shall maintain a roster of employees who are currently eligible to display their respected unit/team emblem.
1. Special Weapons and Tactics (SWAT Team) members who have successfully completed a POST certified SWAT course and satisfactorily completed the six month probationary period, once being accepted onto the team, shall be eligible to receive an emblem.
 2. Water Rescue Unit (WRU) members who possess an open water diver certificate from a recognized certifying agency, and have passed a six month probationary period, once being accepted onto the unit, shall become eligible to receive an emblem.
 3. K-9: The handler must be assigned to a canine and receive formal certification through a recognized K-9 trainer. The handler and canine must meet minimum standards set forth by P. O. S. T. that governs canine performance. The handler, who completes their specialized requirements and successfully passes a six month probationary period as a K-9 handler, shall become eligible to receive an emblem.
 4. Field Training Officer (F T O): Employees who have been promoted to the rank of senior deputy and / or have completed a POST FTO course. Upon successfully completing a six month probationary period as an F T O trainer will be eligible to receive an emblem.
 5. Jail Training Officer (J T O): Employees who have been promoted to the rank of senior detentions deputy and have successfully completed a STC Certified Jail Training Officer course, will be eligible to receive an emblem.
 6. Special Events Reaction Team (S E R T): Team members, who have successfully completed a six month probationary period on the S.E.R.T. team, will be eligible to receive an emblem.
- (e) Placement of Emblem on Uniform for those employees eligible to wear a specific emblem shall wear these emblems on uniform shirts only. (Refer to 1046.16 (a) and (d) for eligibility.)
1. Emblems shall be centered on the right pocket flap.

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2. Departmental awards such as the Medal of Valor or the Service Award shall be worn centered above the nametag. Each award emblem shall be spaced by 1/2 " above the nameplate. The Medal of Valor shall always be placed above all other awards. a. The descending order shall be Medal of Valor, Silver Star, Purple Heart and Service Award.
3. An employee who is awarded more than one emblem shall wear the emblem of their primary function. Deputies assigned to F. T. O., K-9, and J. T. O. shall wear their respective emblem. Any employee authorized to wear more than one emblem and not assigned a primary task may wear the emblem of their choice.

1026.12 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.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or the authorized designee.
 1. Wrist watch
 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
 3. Medical alert bracelet

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1026.13 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department 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 department, employees shall display their department 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 Division Commander.

1026.14 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by Deputies in specialized units such as K-9, SWAT, Gang Task Force or other Deputies specialized assignments.

1026.15 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 this department - 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.

1026.16 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Kings County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department 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 Kings 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.

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1026.17 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 Department for the cost of providing the Department 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.
 - 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 (see the Department Owned and Personal Property Policy).

1026.17.1 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 Kings County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Deputy CCW Endorsement Policy in this manual.

A badge issued to an honorably retired 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 Kings County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

Sheriff's Explorer Program

1027.1 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.

1027.2 EDUCATION REQUIREMENTS

Explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken.

1027.3 PROGRAM COORDINATOR

The Sheriff shall designate a 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 Department. 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.

1027.4 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.

1027.5 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 Watch Commander. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating on a ride-along.

Upon completion of all approved tests an explorer may be approved to participate in the ride-along program

Nepotism and Conflicting Relationships

1028.1 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 department. 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.

1028.1.1 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 Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1028.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, 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 department 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.

1028.2.1 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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1028.2.2 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.

Department Badges

1029.1 PURPOSE AND SCOPE

The Kings County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Kings County Sheriff's Office are property of the Department and their use shall be restricted as set forth in this policy.

1029.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1029.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Kings 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 Department Owned and Personal Property Policy.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1029.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department 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.

1029.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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Department Badges

1029.3 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.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department 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 department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

At the discretion of the Sheriff or his designee, upon separation from the Sheriff's Office, an employee may be permitted to keep his/her badge as long as they have signed a form indicating the badge will be used in a shadow box, display case, etc. and will not be used in an official capacity.

1029.4 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 Kings 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.

Temporary Modified-Duty Assignments

1030.1 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 Office 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.

1030.2 POLICY

Subject to operational considerations, the Kings 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 Office with a productive employee during the temporary period.

1030.3 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 Kings 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 Office. 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.

1030.4 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 office operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

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Temporary Modified-Duty Assignments

1030.4.1 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 Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1030.4.2 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 Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander 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.

1030.5 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 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.

1030.6 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.

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Temporary Modified-Duty Assignments

1030.6.1 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.

1030.7 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.

1030.8 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 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

1031.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1031.1.1 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.

1031.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Kings County Sheriff's Office will carefully balance the individual employee's rights against the Office's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1031.3 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 Kings County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

1031.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the office's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Kings 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 Kings County Sheriff's Office and tends to compromise or damage the mission, function, reputation, or professionalism of the Kings County Sheriff's Office or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Kings County Sheriff's Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Kings County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

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Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1031.4.1 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 Kings County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Kings County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or deputy associations), is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Kings County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1031.5 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 Kings County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Kings 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.

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- (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 Kings County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1031.6 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

The Office shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Office may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1031.7 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.

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- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

Wellness Program

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for office members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as, mental health, and overall wellness.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1032.2 POLICY

It is the policy of the Kings County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for office members. The Office will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1032.3 WELLNESS COORDINATOR

The Sheriff should appoint a trained wellness coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 2. When practicable, the Office should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for office peer support members, such as:
 1. Peer support member selection and retention.
 2. Training and applicable certification requirements.

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3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for office peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
1. The coordinator should work with appropriate office liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1032.4 OFFICE PEER SUPPORT

1032.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a office peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.

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- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1032.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of office peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting office members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 1. Referrals should be made to office-designated resources in situations that are beyond the scope of the peer support member's training.

1032.4.3 PEER SUPPORT MEMBER TRAINING

A office peer support member should complete office-approved training prior to being assigned.

1032.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should be discretionary and only include peer support members and those directly involved in the incident.

1032.6 PEER SUPPORT COMMUNICATIONS

Although the Office will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program).

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1032.7 TRAINING

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of office wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.

Chapter 11 - Air Support Unit

Air Support Unit

1100.1 SEE ATTACHMENT

[KINGS COUNTY SHERIFF ASU POLICY.pdf](#)

Chapter 12 - Honor Guard Protocol

Honor Guard Protocol

1200.1 PROTOCOL

The Kings County Honor Guard members may be asked to represent the Kings County Sheriff's Office by attending public events. Additionally, the Kings County Honor Guard may be asked to represent the Kings County Sheriff's Office by attending funerals for fallen law enforcement to honor the officers and comfort their families. Upon receipt of a Teletype, email or phone call regarding a fallen officer's funeral services or other specific request, the information should be forwarded to the Honor Guard coordinators. On weekends or holidays, those requests may go to the patrol sergeants to expedite the request for the greatest success of a response. The more time the coordinators have to plan, the greater chance of a successful event. The uniform of the day will be at the discretion of a Commander or higher level of authority.

1200.2 LINE OF DUTY DEATHS WITHIN KINGS COUNTY

1. Full participation of all available members
2. Two members per marked vehicle, depending upon availability
3. Senior Ranking Honor Guard member responding will be in charge of the unit at the location and will act as the contact person during the services

1200.3 LINE OF DUTY DEATHS IN ADJOINING COUNTIES

1. Six or more Honor Guard members upon availability
2. Two members per marked unit
3. Senior Ranking Honor Guard member responding will be in charge of the unit at the location and will act as the contact person during the services
 - a. These are only guidelines and other agencies may make a specific request for our entire unit. Authorization for greater participation should be sought via chain of command

1200.4 LINE OF DUTY DEATHS: ALL OTHER COUNTIES

1. Two Honor Guard members
2. One Marked Unit
3. Senior Ranking Honor Guard member responding will be in charge of the unit at the location and will act as the contact person during the services

1200.5 FUNERAL NOT RELATED TO LINE OF DUTY DEATH

Specific requests for the Kings County Sheriff's Office Honor Guard will be forwarded to the Assistant Sheriff via the chain of command for review. Should the request be authorized, unless otherwise directed, the following matrix shall be followed:

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Kings County SO Policy Manual

Honor Guard Protocol

1. Retired Line Staff, "Friend of the Agency" or retired local dignitary will have no more than two Honor Guard Members assigned. Their duties will include Door Tenders, Stand by for Casket Movement and Stand by for Military Honors and no vigil. One marked unit may be used to transport Honor Guard members as part of the procession. Emergency lights are not permitted.
2. Retired Sergeant, Active line Staff, Local Dignitary (still serving) will have no more than four Honor Guard Members assigned. Their duties will include Door Tenders, Gauntlet for Casket Movement, Stand by for Casket Movement and Stand by for Military Honors and no vigil. Two marked units may be used to transport Honor Guard members as part of the procession. Emergency lights are not permitted.
3. Retired Commander, Captain, Lieutenant, Active Sergeant, County Or State Elected Official will have no more than six Honor Guard Members assigned. Their duties will include Door Tenders, Gauntlet for Casket Movement, Stand by for Casket Movement (or Pall Bearers at Family Request) and Stand by for Military Honors and no vigil. Three marked units may be used to transport Honor Guard members as part of the procession. Emergency lights are not permitted.
4. Retired Under Sheriff, Assistant Sheriff, Active Commander, Captain, Lieutenant will have between six and eight Honor Guard Members assigned. Their duties will include Door Tenders, Gauntlet for Casket Movement, Stand by for Casket Movement (or Pall Bearers at Family Request) and Stand by for Military Honors. One or two Honor Guard members may be assigned to the Vigil and relieved every 15 minutes. Four marked units may be used to transport Honor Guard members as part of the procession. Emergency lights are not permitted.
5. Retired Sheriff, Active Under Sheriff, Active Assistant Sheriff will have between ten and twelve Honor Guard Members assigned. Their duties will include Door Tenders, Gauntlet for Casket Movement, Stand by for Casket Movement (or Pall Bearers at Family Request) and Stand by for Military Honors. Two Honor Guard members may be assigned to the Vigil and relieved every 15 minutes. Five to six marked units may be used to transport Honor Guard members as part of the procession. Emergency lights are not permitted.

Attachments

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></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;"><u>Nature of Crime (Check all that apply):</u></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>
---------------	--	--

BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</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;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <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;"><u>Bias Indicators (Check all that apply):</u></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>
--	--

HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></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>
----------------	--	--

WEAPONS	<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 ____

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
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<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: _____

MEDICAL		<u>Victim</u>	<u>Suspect</u>	
	<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
	Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ 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.

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.

KINGS COUNTY SHERIFF ASU POLICY.pdf

KINGS COUNTY SHERIFF'S OFFICE

AIR SUPPORT UNIT

POLICY and PROCEDURE MANUAL

VERSION 1.0

DAVE ROBINSON- SHERIFF

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DEFINITIONS

Air Support Unit (ASU): Kings County Sheriff's Office unit providing air support services to ground personnel.

Unit Commander: Command level authority assigned to manage the operations of the ASU.

Unit Sergeant: Sergeant of ASU, responsible for supervisory oversight of the ASU.

Certified Flight Instructor: A Certified Flight Instructor with the responsibility for instructing and evaluating pilots and/or pilot candidates during initial and recurrent training.

Pilot in Command: The PIC. is that flight crew member assigned as the pilot for a specific shift or function and responsible for the overall flight safety and operations of the aircraft prior to, during, and immediately following a particular flight.

Tactical Flight Officer (TFO): That flight crew member who is assigned to conduct the routine daily visual observation of ground activity and communicate/coordinate with ground units.

Flight Crew: Consists of the PIC, assigned tactical flight officer, and any other personnel assigned to be in the aircraft and performs in-flight operations.

Ride Along / Passenger: Any person authorized to participate in a flight that is not directly responsible for in-flight operations.

Outside Agency: Public entities which are not directly under the Kings County Sheriff's Office jurisdiction but otherwise qualify for air support assistance.

Federal Aviation Administration (FAA): The Federal Agency which operates under the umbrella of the Department of Transportation and is directly responsible for the safe and efficient operation of aircraft.

In-Flight Emergency: A distress or urgency condition while the aircraft is in flight.

Pilot Operations Handbook (POH): Manufacturers handbook on operating aircraft including limitations and performance information.

Chapter 1: General Provisions

1/010.00 AIR SUPPORT POLICY AND PROCEDURES ESTABLISHED:

The Policy and Procedures for the Air Support Unit, Kings County Sheriff's Office, are hereby established, and shall hereafter be referred to as "The Air Support Unit Policy and Procedures". All personnel assigned to the Air Support Unit shall conform to these policies and procedures.

1/010.10 CONFLICT OF CONTENTS:

If any portion of these policies or procedures that are found to be illegal, incorrect or inapplicable, or conflicts with Kings County Sheriff's Office rules, regulations or policies, the Office Policy and Procedures shall prevail. This finding shall not affect the validity of the remaining portions of these policies and procedures.

These Air Support Unit Policies and Procedures are applicable to all Office staff.

1/010.20 POLICIES AND PROCEDURES DOCUMENT - PURPOSE:

The purpose of this policy and procedures document is to establish policy, direction, guidelines, and operational procedures for managing the Air Support Unit.

This document was prepared to compliment existing Kings County Sheriff's Office policies, manufacturer's flight manuals, Federal Aviation Regulations, and other pertinent information relating to flight operations.

This document provides guidance and direction for Air Support personnel. Assigned employees and volunteers are directed to adhere to specific policies and procedures as outlined herein, and to strive to use good judgment in situations not specifically covered.

This document attempts to provide the best possible operating instructions under most foreseen conditions, but cannot substitute for sound judgment and prudent decision making. Emergencies, adverse weather, terrain factors, and/or other extenuating circumstances may require modification of any procedure presented herein.

1/010.30 INFORMATION DISTRIBUTION:

The Unit Commander is responsible for ensuring that each member of the ASU is informed with regard to the specifications that apply to their duties and responsibilities and will ensure the following material, in current form, is available:

- Federal Aviation Regulations (FAR)/ Aeronautical Information Manual (AIM) Publication
- Aircraft equipment manuals, aircraft owners manual or flight handbooks for each type of aircraft operated by the ASU.
- California Flight Guide, Jeppesen, (Subscription Service) or similar type pilot's guide to airports.

1/010.40 NUMBERING SYSTEM USED IN THE AIR SUPPORT UNIT DOCUMENT:

A modified decimal system is used to number each Chapter of the Air Support Unit document. This system provides quick reference to all materials, affords an easy means of citing specific subjects, and maintains the flexibility of format necessary to provide room to expand and facilitate the easy revision of its contents.

1/010.50 ISSUING THE POLICY MANUAL (DOCUMENT DISTRIBUTION)

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

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

1/020.00 AIRCRAFT OPERATOR'S MANUAL AND FEDERAL AVIATION REGULATIONS (FARs):

All regulations and limitations set forth in the respective Aircraft Operator's Manual and the FARs shall be strictly adhered to and are considered part of these policies and procedures.

Every flight shall be conducted within the scope of Federal Aviation Administration Regulations (FARs) aircraft operation manuals and Sheriff's Office policies and procedures. The Pilot in Command shall decide whether a flight should be initiated, continued, or terminated, taking into consideration the weather, the condition of the aircraft, any hazards, and crew limitations or restrictions.

Only Sheriff's Office pilots or approved personnel being tested or trained by the Certified Flight Instructor, are authorized to manipulate the aircraft's controls during ground or flight operations.

1/030.00 FEDERAL AVIATION REGULATIONS LIBRARY:

The Air Support Unit shall maintain a current library of FAR/AIM's, applicable Airworthiness Directives, Special Directives and Notices, Unit and Sheriff's Office Policies and Procedures, Training Manuals and Maintenance Manuals.

1/040.00 CONDUCT:

All Air Support Unit personnel will conduct themselves in a professional and safety conscious manner. **Safety is the first consideration for all operations.**

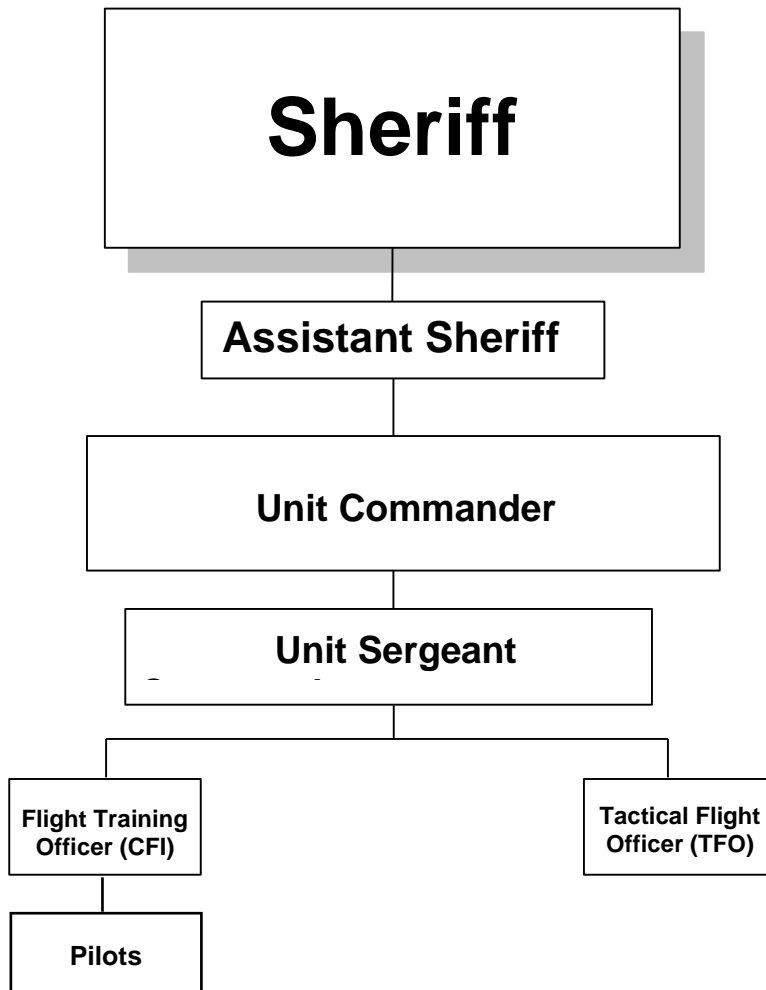
Chapter 2: ORGANIZATION AND DUTIES

2/010.00 MISSION OF THE AIR SUPPORT UNIT:

The Mission of the Air Support Unit is to provide air support to ground based law enforcement personnel engaged in all facets of law enforcement activities serving the residents of Kings County, including its municipalities, and further including identification of critical infrastructure and disaster assessment.

Additionally, the Air Support Unit may provide, when resources are available and upon request, air support to other Governmental agencies in the scope of mutual aid during life threatening, emergency situations.

2/020.00 ORGANIZATIONAL CHART:



2/030.00 DESCRIPTION OF RESPONSIBILITIES OF ASU PERSONNEL

2/030.10 RESPONSIBILITIES; UNIT COMMANDER:

The Unit Commander is responsible for:

- Maintain currency of ASU Policies and Procedures. Make annual revisions as necessary.
- Dissemination of rules and regulations governing the use of Sheriff's Office aircraft.
- Budget preparation.
- Monitor Unit budget and all expenditures.
- Statistical and financial reporting.
- Sheriff's Office and community liaison.
- Operations and accounting within the ASU.
- Planning and research.
- Ensure unit safety

2/030.20 RESPONSIBILITIES; UNIT SERGEANT:

The Unit Sergeant retains responsibility for compliance with the following additional duties, but may delegate authority to subordinates to carry out the prescribed responsibilities:

- Supervision and scheduling of all pilots and observers.
- Coordinate aircraft maintenance to ensure that properly equipped and maintained aircraft are available.
- Preparation of personnel reviews, evaluations, and recommendations for commendations and disciplinary actions.
- Oversee initial and recurrent training of all personnel as needed, to accomplish this goal.

The Air Support Unit Sergeant will report directly to the Air Support Unit Commander. In the event the sergeant position is vacant, the ASU Commander will assume responsibility of the ASU Sergeant.

2/030.30 RESPONSIBILITIES; PILOT IN COMMAND:

The Pilot in Command (PIC) shall have the ultimate responsibility for safe operation of the aircraft while in flight, and for the compliance with all rules and regulations established by this Policies and Procedures Document, the Aircraft Flight Manual and the FARs concerning actual flight operations. The Pilot in Command shall not accept an assignment for which they are not qualified. Other responsibilities include:

- Performance of pre-flight, in-flight, and post-flight duties, including written notification of all maintenance problems encountered to maintenance personnel and notification to the Unit Sergeant.
- Determining the airworthiness of Sheriff's Office aircraft and the discontinuance of the flight or proposed flight when unairworthy mechanical, electrical, or structural conditions occur.
- Insuring the compliance of all passengers with FAA regulations such as prohibition of intoxication, smoking, or interference with the operation of the aircraft.
- The PIC is to report all unruly or uncontrollable behavior from passengers to the ASU

Sergeant as soon as possible. If such activity jeopardizes the safety of the flight, the PIC may discontinue the flight or take other appropriate action to preserve the safety of the flight, as they may deem necessary.

- Complying with all instructions given by Air Traffic Controller (ATC).
- Taking appropriate action in emergencies to insure safety.
- Remaining with the aircraft until engine shutdown is complete.
- Securing the aircraft to protect from potential hazards of weather, theft, etc., and in consideration of the next known flight assignment.
- Supervises the fueling of the aircraft and performs tasks necessary to insure it's availability for any future flights.
- Complete reports and logs as required.

2/030.40 RESPONSIBILITIES; TACTICAL FLIGHT OFFICER:

The Tactical Flight Officer shall be responsible for the following duties:

- Observe ground activity.
- Communicate any observed suspicious activity or hazards to public safety to both the pilot and ground units.
- Direct the pilot to the location of specific calls. (Absent any safety considerations, the pilot should remain at the scene of an incident until notified by the tactical flight officer that they are no longer needed).
- Operate the FLIR camera and spotlight.
- Operate the law enforcement radios and communicate with ground personnel.
- Assist pilot, when able, by watching for other aircraft traffic.
- Write reports as required.
- Effectively direct ground personnel.

Chapter 3: Personnel Administration/Selection & Training

3/010.00 EMPLOYEE ORIENTATION PROGRAM

All employees, sworn and civilian, newly assigned to the ASU shall receive a thorough Unit orientation to included areas such as: maintenance, administration, flight operations, and emergency procedures. Included during this period will be instruction on the use of special ground equipment, issuance of a copy of the ASU policies and a safety orientation.

3/020.00 TFO SELECTION

Any non-probationary Deputy Sheriff I or II, Senior Deputy, Sergeant or personnel from participating agencies may request assignment to the ASU as a Tactical Flight Officer as the need exists and/or when an appropriate Sheriff's Office memo is posted. Participating agencies include the Hanford, Lemoore, Corcoran and Avenal Police Departments, the Kings County Probation Department and any other agency as determined by the Sheriff.

Aeronautical ratings and aviation experience are not mandatory prerequisites for assignment consideration, but these qualifications and background are obviously helpful. Applicants should be evaluated on their law enforcement experience and procedural

knowledge of the Sheriff's Office operations as well as general aviation. This may be demonstrated during an interview, which may also include a written examination, as well as a flight practical.

A personnel file will be maintained by the Kings County Sheriff's Office for each TFO. At a minimum, this personnel file will contain the following:

Memorandum documenting assignment to the ASU.

Memorandum documenting assignment as TFO Training Officer if so assigned.

Emergency Contact.

Completed Training Syllabus.

Any documented training relevant to the assignment.

3/030.00 TFO TRAINING AND STANDARDS:

All deputies/officers/non-sworn staff newly assigned to the Air Support Unit as Tactical Flight Officers will participate in the Flight Officer Training Program. Prior to the start of training, newly assigned deputies/officers/non-sworn staff will receive an orientation to the Air Support Unit. This orientation will include instruction by the Unit Sergeant or TFO Training Officer regarding familiarization with desk operations, unit policies, procedures, and flight operations. The deputy/officer/non-sworn staff will also be briefed as to what to expect while undergoing TFO training.

At a minimum, the newly assigned TFO will demonstrate he/she has completed and demonstrates proficiency as outlined in the training syllabus. Student TFO's shall be afforded every opportunity to succeed. Should the newly assigned TFO be unable to complete the required training, the newly assigned TFO may be required to complete additional training.

Successful completion of TFO training is a requirement for continued assignment to the Air Support Unit.

The TFO Training Syllabus can be found on the Kings County Sheriff's Office "H" drive in the Air Support Unit folder.

3/040.00 TFO TRAINING OFFICER

The TFO Training Officer is a Deputy/Officer/non-sworn staff who has been assigned the collateral duty of training a newly assigned TFO. Their duties include providing recommendations to the ASU Commander of prospective TFO training officers; monitoring the progress of each flight officer trainee during the course of their training; advising the Unit Commander of flight officer trainees encountering difficulties requiring additional training; continually assessing the effectiveness of the flight officer training program and recommending changes or updates when appropriate; and evaluating the flight officer training officer's ability to train and document the trainee's performance during the course

of training.

The TFO Training Officer should be significantly involved in additional training should a trainee encounter difficulties. In addition to monitoring the progress of the trainee receiving additional training, the TFO Training Officer shall be responsible for preparing a comprehensive memo should the decision be made to terminate further training attempts.

3/050.00 PILOT SELECTION

Volunteer Pilot selection shall be conducted in accordance with the Sheriff's Office's selection standards for the position of Volunteer Pilot. No pilot will be certified for flight until it is confirmed they have been added to the insurance policy for the aircraft. The ASU Sergeant will be responsible for confirming insurance is in place for each pilot prior to being added as an ASU approved pilot.

A personnel file will be maintained by the Kings County Sheriff's Office for each Pilot. At a minimum, this personnel file will contain the following:

Memorandum documenting assignment to the ASU.

Memorandum documenting assignment as a CFI if so assigned.

Emergency Contact.

Medical Certificate.

Pilot History Form.

FAA Flight Certifications.

Completed Training Syllabus.

Flight Currency for ASU Aircraft.

Any documented training relevant to the assignment.

3/06.00 PILOT TRAINING AND STANDARDS

The training syllabus for new pilots shall be structured commensurate with the aviation experience level of the pilot. The assigned instructor pilot shall evaluate the prospective pilot's aviation experience and develop a course curriculum designed to allow progress through demonstrated ability. Piloting tasks must be performed in accordance with established ASU standards for pilot training before progression to more demanding tasks can occur. Although no minimum or maximum number of training flight hours shall be imposed, it is the responsibility of the assigned flight instructor to evaluate continued training based on the student pilot's ability to comprehend the training received, successful demonstrated performance of flight maneuvers and the likelihood of successful completion of the training program. Student pilots shall be afforded every opportunity to succeed. Should learning difficulties be encountered during the course of training, the designated

CFI may consider change of instructor pilots.

The final check ride shall be administered by an ASU CFI. The student pilot must demonstrate proficiency in all emergency procedures and flight maneuvers, to include mission tasks as prescribed by the curriculum for training.

The Pilot Training Syllabus can be found on the Kings County Sheriff's Office "H" drive in the Air Support Unit folder.

3/070.00 PILOT CURRENCY AND STANDARDS:

Air Support Unit pilots may only operate Unit aircraft in which they are qualified and current.

Each newly assigned pilot will complete the pilot training program. Each pilot should have a flight review every 12 months. Flight instructors shall endorse the pilot's logbook recording the satisfactory renewal of the flight review.

Between currencies, it shall be the responsibility of each pilot to maintain FAA currency, including recent flight experience, i.e., FAR 61.57, in each model aircraft they are currently qualified. Flight time logged in Sheriff's Office aircraft shall be logged daily (Flight Circle). It's recommended that Air Support Unit pilots maintain individual flight logbooks to verify accuracy.

On all dual instruction flights, the flight instructor is in command of the aircraft. Student pilots will not attempt to initiate maneuvers other than those specified by the instructor, unless the instructor has been advised and authorizes the maneuver. The instructor will normally advise the student on which maneuver to accomplish, when to do it, and when to cease the activity. Flight instructors must be alert to increasing risk and take corrective action before the maneuver is unrecoverable.

The Pilot currency Syllabus can be found on the Kings County Sheriff's Office "H" drive in the Air Support Unit folder.

3/080.00 PILOT TRAINING/CERTIFIED FLIGHT INSTRUCTION

The CFI is a Certified Flight Instructor with the responsibility for instructing and evaluating pilots and/or pilot candidates during initial and recurrent training. Their duties include providing recommendations to the ASU Commander of prospective CFI's; monitoring the progress of each pilot trainee during the course of their training; advising the Unit Commander of pilot trainees encountering difficulties requiring additional training; continually assessing the effectiveness of the pilot training program and recommending changes or updates when appropriate.

The CFI should be significantly involved in additional training should a trainee encounter difficulties. In addition to monitoring the progress of the trainee receiving additional training, the CFI shall be responsible for preparing a comprehensive memo should the decision be made to terminate further training attempts.

3/090.00 DOCUMENTATION OF PERFORMANCE

It is the responsibility of the ASU Commander to frequently evaluate and document the performance of subordinate personnel according to Sheriff's Office Policy and Procedures.

3/100.00 UNIFORMS AND SAFETY EQUIPMENT:

All Air Support Unit Pilots and Tactical Flight Officers shall dress appropriately with respect to mission assignment.

3/110.00 MEDICAL CERTIFICATES

All pilots shall obtain a Class I, II & III or Basic Med flight physical as required by the FAA at their own expense, administered by an FAA recognized flight surgeon or Aviation Medical Examiner (AME). Pilots shall coordinate their own appointments for physicals with a flight surgeon or AME of their choice. Pilots who allow their physicals to expire shall be grounded until the physical is renewed and may be subject to disciplinary action if it is determined that the physical expired due to negligence on the part of the pilot.

3/120.00 MEDICAL DEFICIENCIES:

No pilot may operate any ASU assigned aircraft with a known medical deficiency not previously approved for flight by an FAA approved Doctor, or an increase of a known medical deficiency has occurred that would make him/her unable to meet the required medical certification.

3/130.00 BLOOD DONATIONS OR LOSS OF BLOOD:

Aircrew members will be restricted from flying duty for a period of 72 hours after donation of blood. Any severe loss of blood by an air crewmember will require clearance by the attending physician before resuming flight status.

3/140.00 CREW CHECK FOLLOWING AN ACCIDENT:

If an air crew member is involved in an accident or any other "aircraft mishap" of unusual circumstances, the Unit Commander should evaluate the circumstances and make a recommendation whether the crew member should complete a flight physical prior to resuming flight duty.

A pilot should perform a check ride with a unit CFI before resuming PIC responsibilities after being involved in an aircraft accident, or any other "aircraft incident" of unusual circumstances if so directed by the Unit Commander.

3/150.00 DRUG USAGE:

The use of any illicit drug by any ASU assigned personnel is prohibited. No person may act as a crewmember of any ASU assigned aircraft while using any drug that affects the person's faculties.

Any ASU member who is using any prescription medication will report the use to the ASU Sergeant prior to any duty assignment.

No substance as depicted in FAR 91.19 (a) shall be carried aboard any ASU assigned aircraft except as allowed pursuant to paragraph (b) of this same section.

3/160.00 LIMITATIONS ON ALCOHOL USE:

No assigned personnel may consume any alcoholic beverages on duty. Alcoholic beverages will not be allowed on any ASU assigned aircraft.

No person may act as a crewmember of an ASU assigned aircraft:

- Within eight (8) hours after the consumption of any alcoholic beverage.
- While under the influence or residual effects of alcohol.

No person who appears to be intoxicated or who demonstrates by manner or physical indication that the individual is under the influence of alcohol or drugs (except a medical patient under proper care) shall be allowed to be carried aboard an ASU assigned aircraft.

Chapter 4: Maintenance

4/010.00 MAINTENANCE INSPECTION POLICY:

Aircraft utilized in ASU operations will be maintained under the annual inspection requirements of the Federal Aviation Regulations and the manufacturer's approved inspection program in accordance with FAR 91.409 (e) and (f) (3). The appropriate manufacturer's service manual and directives will be utilized on all inspections and maintenance performed, in addition to Airworthiness Directives, type data sheets and FARs. The PIC shall ensure that aircraft inspection requirements are met and check that proper endorsements are made in the aircraft log books. They shall also record corrective action taken on mechanical and avionics discrepancies on the forms provided in the aircraft log book.

4/020.00 AUTHORIZED MAINTENANCE PERSONNEL:

Only persons authorized under FAR 43.3 will be authorized to perform maintenance on aircraft utilized in ASU operations. Non-certificated personnel will not perform maintenance on any ASU assigned aircraft unless a certificated mechanic has been assigned to supervise the work and is physically present for consultation and to observe the work being accomplished.

Authorized maintenance personnel are those specifically hired by the Kings County Sheriff's Office to maintain Sheriff's Office aircraft or those from the private sector who are dispatched to do so under a contractual agreement.

Employees of this Office certified under FAR 65.85 may perform maintenance and inspections authorized under this section.

4/030.00 RETURN TO SERVICE REQUIREMENTS:

Pursuant to FAR 91.407: No ASU assigned aircraft shall take off after it has undergone preventative maintenance, rebuilding or alteration unless it has been approved for return to service by a mechanic authorized under FAR 43.7 and the appropriate maintenance record entry as required has been made.

After an ASU aircraft has undergone any maintenance, rebuilding or alteration that appreciably changes its flight characteristics or substantially affects its operation in flight, and a flight test is required, the test flight shall be only conducted by the PIC and the mechanic, if necessary. No passengers are allowed on such a flight.

4/040.00 MAINTENANCE RECORDS

Any maintenance performed by outside vendors, contractors, or repair facilities shall be properly documented in the maintenance records in accordance with FAR 43.11, for that aircraft.

Each Aircraft logbook will be kept current. In addition, maintenance personnel shall maintain a work order of each maintenance procedure, repair or alteration done on Sheriff's Office aircraft. The work order shall contain aircraft and engine times, the discrepancy and correction or work done and whether the work was scheduled or unscheduled.

Chapter 5: Ground Operations

5/010.00 AIRCRAFT FUELING:

The following guidelines will be followed when ASU aircraft are refueled:

- The PIC is responsible for insuring the aircraft is properly fueled. A crew member will supervise or conduct the actual fueling of the aircraft.
- When available, the static ground cable shall be properly attached to the aircraft prior to the fuel nozzle contacting the fuel tank opening and shall remain attached until the fueling process is completed.
- Fueling will always be conducted with the aircraft engine fully off.
- No smoking will be permitted within one hundred (100) feet of the area where fueling is taking place.
- Passengers and other non-essential personnel will be removed from the fueling area during aircraft fueling.
- The refueling vehicle or apparatus shall be verified for the correct fuel type and any apparent contamination.
- During the actual refueling operation, all electrical switches will be turned off.

- Extreme caution should be used in fueling during electrical storms. Operations should be suspended during severe storms or when they are located in the immediate vicinity of the fueling operation.
- Vapor Travel: Fuel vapors are heavier than air and tend to settle and spread around the aircraft. It should be remembered that the amount of fuel pumped into the aircraft displaces an equal amount of vapor from the tank, which could be dangerously explosive. This danger is increased by fuel spills. Therefore;
 - Fuel only in the open air.
 - Stop fueling if any hazard becomes apparent.
 - Report any substantial spills immediately and insure proper action has been taken to reduce the hazard (i.e. wash down or sand down the area after fuel spills).

5/020.00 AIRCRAFT SECURITY:

No smoking shall be permitted while on board, nor within fifty (50) feet of an ASU aircraft.

Chapter 6: General Aircraft Procedures

6/010.00 PRE-FLIGHT INSPECTION:

Pilots shall conduct a manufacturer's recommended pre-flight inspection in accordance with the appropriate aircraft operator's manual prior to the first flight of the day in each aircraft flown. This shall include a thorough review of the aircraft maintenance records in the log book. Pilots shall conduct flight operations by utilizing appropriate aircraft start, pre-takeoff, en route, landing, shut-down, and post-flight checklists. When two pilots are assigned to the same flight mission, the co-pilot shall share the responsibility for ensuring that proper procedures are observed.

Pilots shall ensure that the interior and the exterior of their assigned aircraft is maintained in a clean and uncluttered manner, with special attention paid to trash, accumulated dirt and grime, and unsecured items inside the aircraft capable of interfering with the aircraft's operation. Pilots shall ensure that the proper number of headsets are available in the aircraft and in good repair.

Pilots shall record all mechanical and avionics discrepancies on the forms provided in the aircraft log book. Pilots shall determine that required inspections have been met. If inspections are overdue or mechanical discrepancies have not been corrected, the Unit Sergeant shall be notified.

All pre-flight inspections shall include, but are not limited to:

- General walk-around visual inspection in accordance with manufactures'

- recommendations.
- Airworthiness of the aircraft.
 - Aircraft is properly fueled.
 - Aircraft is properly loaded.
 - Aircraft has received the required inspections and the planned flight will not exceed any flight time limitations necessary to comply with required inspections, airworthiness directives, service, or other mandatory procedures.
 - Inspection of applicable fluid levels.
 - Draining of appropriate fuel sumps.
 - Thorough inspection of fuselage for damage.
 - Inspection of all aircraft lights.
 - General inspection of power plant and propellers.
 - In the event of severe aircraft maintenance problems, or discovery that the aircraft is not airworthy, the PIC shall immediately ground the aircraft and notify the ASU Sergeant.

6/020.00 POST- FLIGHT INSPECTION

A cursory inspection of the aircraft by the pilot shall be made after each flight. The aircraft shall be fueled as necessary.

6/030.00 PRE-FLIGHT PREPARATIONS:

The PIC shall comply with FAR 91.103 regarding weather briefings, notices to airmen (NOTAMS) and other available information concerning the flight. Other Pre-flight preparations shall include, but are not limited to:

- Weather briefing for the area of intended operations.
- Review of flight plan, including: route, airports of intended use, etc.
- Review of missions assigned for the shift, including special equipment needs, fuel locations, and target locations related to the mission including maps and/or photographs.
- Checking that all required credentials and maps, required aircraft manuals, documents and other ASU paperwork is aboard the aircraft. This shall include but is not limited to:
 - Aircraft Flight Manual

- Aircraft Checklist
 - Minimum Equipment List (if required)
 - Maps & Aeronautical Charts.
- Ensuring only authorized persons are allowed on board the aircraft.

The PIC will assure the aircraft is equipped for the proposed flight, maintenance discrepancies noted and corrected, (as appropriate) and inspections current. Pilots will also assure that the aircraft has operable equipment and instruments for IFR or VFR day or night flight, as applicable, as required by FAR 91 .205 (b) or (c).

6/040.00 WEIGHT AND BALANCE DETERMINATION:

The aircraft will be loaded using the following procedures:

- The basic operating weight of the aircraft will be utilized for all normal operations. This includes the empty weight, fuel and oil, pilot, flight officer, and patrol equipment such as the FLIR and lighting systems.
- Any changes to the basic operating weight will be accounted for by the PIC before flight departure. He/She will ensure the new CG weight and balance is within specifications as established by the aircraft manufacturer.
- Under no circumstances shall the maximum gross weight for the aircraft be exceeded.

6/050.00 BASIC VFR WEATHER MINIMUMS:

Basic VFR weather minimums for operations in controlled airspace shall conform to those minimums outlined in FAR 91.115 and 91.157. VFR flight in uncontrolled airspace shall be conducted at the discretion of the PIC with the following weather minimums. In situations of life and death consequences, minimums can be waived at the discretion of the flight crew.

Day

	<u>Ceiling</u>	<u>Visibility</u>
Patrol	1000	3 miles
Surveillance	1000	3 miles
SAR-Flat terrain	Clear of Clouds	3 miles
SAR-Mountains	2000	3 miles

Night

	<u>Ceiling</u>	<u>Visibility</u>
Patrol	1000	3 miles
Surveillance	1000	3 miles

Wind restrictions shall be in accordance with the applicable aircraft's operating limitations as stated in the operator's manual for that aircraft.

6/060.00 INADVERTENT INSTRUMENT METEOROLOGICAL CONDITIONS (IMC) RECOVERY PROCEDURES

Unauthorized flight into instrument meteorological conditions is prohibited. Every attempt shall be made to avoid meteorological conditions which may result in inadvertent cloud penetration or loss of ground reference due to low ceiling, fog or "over-the-top" conditions if the pilot and/or aircraft is not qualified or equipped for flight under instrument flight rules in instrument meteorological conditions. Therefore, it is incumbent on the PIC to closely monitor weather conditions at their point of departure, area of operation and destination to avoid inadvertent IMC conditions.

Chapter 7: Aircraft Equipment

7/010.00 FAR EQUIPMENT REQUIREMENTS

Sheriff's Office aircraft must have equipment installed and operable, which meets or exceeds FAR 91.205 for applicable operations.

7/010.10 DURING ALL OPERATIONS:

- First Aid Kit: At least one first aid kit shall be carried in each aircraft.
- Fire Extinguisher: Each aircraft shall be equipped with an operable halon type fire extinguisher. The fire extinguisher shall be readily available during engine starts, and during all flights, and shall be securely mounted to avoid interference with flight controls.

7/010.20 VISUAL FLIGHT RULES (DAY):

Equipment required in accordance with FAR 91.205 including, but not limited to:

- Airspeed indicator.
- Barometric altimeter.
- Engine tachometer.
- Engine oil pressure gauge.
- Engine oil temperature gauge.
- Caution lights.
- Manifold pressure.
- Fuel quantity gauges.
- Seatbelts.
- VHF communications radio.
- Magnetic compass.
- Transponder with Mode C.

7/010.30 VISUAL FLIGHT RULES (NIGHT):

All of the above and:

- Position lights.
- Anti-collision light.

- Landing light.
- Instrument panel lighting.
- Attitude indicator.
- Directional gyro.
- Turn and slip indicator.
- Flashlight.

7/020.00 FORWARD LOOKING INFRARED (FLIR) SYSTEM:

FLIR Units shall be operated by Air Support Unit trained and authorized personnel only.

Chapter 8: Passenger / Ride-Alongs

8/010.00 RIDE ALONG MINIMUM STANDARDS FOR APPROVAL:

Individuals meeting the Sheriff's Office Ride Along standards and the following minimum standards may be approved by the Sheriff's Office for a ride-along in aircraft assigned to the ASU:

- Law enforcement personnel of the Kings County Sheriff's Office or other law enforcement agencies.
- County, City, State or Federal employee traveling for official government business.
- All others will require specific, individual approval by a Commander or higher level of authority.
- A civilian ride-a-long waiver shall be completed by the citizen requesting to fly in the aircraft.
- A waiver or background is not necessary if the passenger is a city, county, state or federal employee.

8/010.10 PASSENGERS:

Passengers are non-Aviation Unit personnel who need to be flown in Sheriff's Office aircraft. Examples include city, county, state and federal employees, public safety personnel or other people based on the specific need. Passengers may be flown under the following circumstances:

- Contingent upon the availability of aircraft, Pilot and/or Flight Crew.
- The type of flight and passenger information is listed in the aviation flight log.
- A waiver or background is not necessary if the passenger is a city, county, state or federal employee on official business. However, a written request with Department Head approval may be required.

No unauthorized passengers shall be permitted in an aircraft assigned to the ASU. An unauthorized passenger is any person who is not assigned to the ASU, fulfilling a role as a passenger, or who does not have prior approval.

8/010.20 PASSENGER FIREARMS / CHEMICAL AGENTS

The only person or persons allowed to carry firearms or weapons aboard ASU assigned aircraft are those who are authorized by a City, County, State or Federal Government to carry such weapons. The PIC will verify the credentials of all passengers carrying weapons aboard ASU aircraft.

- Aerosol canisters of chemical agents (Pepper Spray) shall not be carried aboard ASU assigned aircraft.

8/020.00 RIDE ALONG PROCEDURES:

Unless absolutely necessary to complete the mission, passengers shall not occupy the normal duty station of a crewmember. Whenever possible, rides shall be scheduled subject to the following procedure:

- Sworn members of the Kings County Sheriff's Office and other law enforcement agencies may accompany an Air Support Unit flight crew for the purpose of observing flight operations. Sworn personnel are reminded to refrain from engaging in any activities that would otherwise be compensable under their current employers.
- Requests for "on-duty" rides shall be submitted to the Unit Sergeant or higher authorizing staff for approval.
- Upon approval, the request will be forwarded to the Unit Sergeant for scheduling. Operational and tactical considerations will take precedence. The Unit Sergeant will report all ride alongs to the Unit Commander and the ride along forms will be saved for a period of two years at a minimum. (Electronic Format is acceptable)
- In aircraft with more than two seats, flight personnel will perform routine patrol functions during the ride along unless otherwise directed.

8/030.00 PASSENGER IDENTIFICATION:

It is the responsibility of every flight crew, when carrying passengers, to:

- Identify or have identified all passengers prior to each flight.
- Obtain signed waiver prior to flight as required for non-government employees.

8/040.00 PASSENGER ORIENTATION/BRIEFINGS:

The PIC shall be responsible for insuring that passengers are briefed, prior to boarding, regarding appropriate conduct while on board. In addition, passengers shall be briefed on the following items:

- Carriage instructions regarding hazardous materials, weapons, or other instruments that could affect flight safety. Personnel boarding with rifles or shotguns shall approach with muzzles pointed downward and held below shoulder level, and shall not have any ammunition in the chamber.
- Location of emergency equipment.
- Use of seat belts. Seat belts will be checked to insure they are properly adjusted and secure.
- Passengers will be advised of the prohibition on smoking.
- Location and means for operating emergency and normal exits.
- All doors will be checked to ensure they are properly closed and locked.
- Assistance with headsets should be provided as necessary.
- All non-crew member passengers shall be escorted to the aircraft and assisted in boarding by a crewmember.

Chapter 9: Flight Operations

9/010.00 DEPLOYMENT OF SHERIFF'S OFFICE AIRCRAFT:

As a general rule, Sheriff's Office aircraft shall be used in conjunction with Public Safety functions and responsibilities within Kings County. The activities may include, but not be limited to support of ground based personnel, search and rescue, surveillance, personnel transportation, and flight training. In all cases, Sheriff's Office aircraft shall be flown in compliance with FAR Part 91. Flight crew members shall evaluate all flight missions, keeping in mind all safety considerations, aircraft and crew abilities and limitations, necessity of the mission and emergency of the situation. The mission will be attempted only after agreement of the entire flight crew. The assigned pilot shall be responsible for evaluating the flight and to abort the flight if it cannot be accomplished within established safety procedures.

9/020.00 PILOT IN COMMAND AUTHORITY:

As set forth in FAR 91.3, the Pilot in Command of an aircraft is directly responsible for, and is the final authority as to the operation of that aircraft. The PIC shall, during flight, be in command of the aircraft and shall be responsible for the safety of the passengers, cargo and the aircraft. The PIC shall have full control and authority, without limitations.

All other crew members or passengers on board, regardless of rank, title, or position shall comply with all instructions given by the PIC while on board the aircraft, whether in flight or while on the ground.

The PIC shall have the authority and responsibility to supersede any order or directive given to them in the course of his/her duties from any person of higher rank or dispatcher, if such order or directive is deemed to be contrary to the safe operation of the aircraft for any reason.

Should a conflict arise between the PIC and any person of higher rank or dispatcher because they deviated from such an order or directive, the PIC shall notify the Unit Sergeant who will then notify the Unit Commander as soon as possible. In addition, the PIC may be asked to prepare and submit a written report, describing the incident.

9/030.00 FLIGHT CREW WORK SCHEDULES:

Each flight crew assigned to the ASU will be assigned to a particular shift (i.e. day, night or relief shift) and will work those shifts as assigned. Flight crews may be assigned shifts on a rotation basis. Crews will be assigned to a shift that will be most beneficial to ASU operations.

9/030.10 FLIGHT CREW HOLDOVER/CALL OUT:

Flight crews may be held over for additional flight time provided such holdover does not constitute a safety hazard.

The Unit Sergeant will be responsible for determining if a flight crew will be held over or if a crew should be called out from home. If the Sergeant is unavailable, the On duty Watch Commander can make the determination.

In the event a crew is needed for an assist to ground units, search or rescue, or mutual aid assist to another agency and no crew is on duty, the call out should first be approved by the Watch Commander or Unit Sergeant. As much information on details of the mission, special equipment needed, location identified by longitude and latitude if possible, or land marks, weather conditions at the scene and the contact person's call sign or radio frequency. The Dispatch Center along with the ASU Sergeant will be notified to initiate the call out of a crew.

9/030.15 PILOT FATIGUE/STRESS:

No pilot should attempt to operate an aircraft when, in his/her opinion, he/she is fatigued beyond safe limits. It is the pilot's responsibility to notify the Unit Sergeant if they believe they are unfit for flight duty due to fatigue or stress.

Pilots may be required to undergo a flight physical before being returned to flight status if health factors warrant such action.

9/040.00 FLIGHT DURATION:

Notwithstanding mechanical problems, flight crews should go "in service", and assume routine air patrol responsibilities at the prescribed starting times as availability of a pilot permits.

9/050.00 FUEL RESERVES:

Fuel requirements of FAR 91.151 and 91.167, as appropriate, must be met.

9/060.00 AUTHORIZED LANDING LOCATIONS:

ASU assigned aircraft are authorized to land at the following locations:

- Any public use airport.
- Prior approval must be received for military or non-public use airports.
- Any area when death or serious injury is imminent.

9/070.00 PATROL PROCEDURES

The ASU's primary mission consists of providing airborne law enforcement support for Kings County and its municipalities. The ASU may also provide air support to any governmental agency requesting assistance through mutual aid. Aerial patrol units will attempt to provide airborne assistance when requested within the confines of the Sheriff's Office's Air Support Policy and when resources permit.

It is also the mission of the ASU to patrol critical infrastructure as part of ongoing Homeland Security efforts. This includes coordination with ground units to investigate observed suspicious persons or vehicles, as well as the identification of additional potential critical infrastructure.

The ASU may be utilized in support of any wild land fire or any wild land survey of potential fire hazards. The Kings County Health Department may request the use of ASU when a situation is deemed a Public Health emergency or mutual aid.

9/070.10 CONFLICTING REQUESTS FOR SERVICE:

The ASU Commander will be responsible for monitoring non-law enforcement activity service requests and have the authority to resolve conflicting requests, directing the air crews as necessary.

In the event that the Unit Commander is unavailable, the On Call Commander has the authority to resolve any conflicts.

Once an air crew has arrived at a call, that call becomes the priority until such time that:

- Air Support Unit services are no longer needed.
- The Watch Commander deems that another call has greater priority.
- The flight crew, following the call assignment priority guidelines, decides that another call has greater priority.

9/070.20 RESPONSE TO OTHER PUBLIC SAFETY AGENCIES - REQUEST FOR SERVICE:

Air crews, upon request, may provide air support to other governmental agencies.

9/070.30 COMMUNICATIONS:

- Aircraft Call Signs: Communications between crew members and KCSO facilities or ground units shall comply with the Communications Dispatch Operations policy. Crew members shall use the call signs as designated.

9/070.35 AIRCRAFT STATUS

- Prior to the first flight of each shift, KCSO dispatch shall be notified by telephone or acceptable electronic means of the crew members, passengers, and the projected area and hours of operation for all prearranged missions.
- The Dispatch Center shall be advised where the crewmembers can be reached when not airborne and not able to monitor their radios.
- Upon becoming airborne, a crew member shall notify KCSO dispatch of their status. The projected area and hours of operation shall be included unless previously given by telephone.
- While in flight, air crews should monitor the appropriate frequencies for geographic locations they are patrolling.
- When a request for air support services is received via the radio, the aircrew will advise of their availability and respond depending on the call priority. Communications shall enter the aircraft info into the CAD system, similar to entries for patrol ground units, i.e. "Air 1, at scene or available".
- Requests for Non-Law Enforcement Activity services should, when possible, be made in advance.

At the end of each flight the crew shall advise the Dispatch Center that they are out-of-service.

9/070.36 OUT OF SERVICE PROCEDURES:

Air crews who have landed and are on their breaks shall remain available for emergency calls. Air crews will be available via radio or telephone when not in flight, but on duty.

Priority 1 calls should be considered emergency calls.

9/070.37 EMERGENCY COMMUNICATIONS TO DISPATCH CENTER:

Forced Landing (*Emergency*): A forced or emergency landing is normally involuntary and may be a result of a major mechanical malfunction, or crew member incapacitation affecting continued flight safety. Under these circumstances a crew member will normally transmit "*Mayday, Mayday*" and provide the aircraft location. Dispatch personnel shall:

- Determine location of aircraft.

- Unless otherwise advised by a crew member, they shall dispatch fire, ambulance, a commander, ground units, and if appropriate, other Sheriff's Office aircraft.
- Notify the On-call Commander.

9/070.40 EMERGENCY COMMUNICATIONS TO ALLIED AGENCIES:

ASU shall coordinate with allied agencies to ensure that their personnel have been informed of the above terminology and instructed to immediately notify KCSO Dispatch upon receiving an emergency communication. Upon notification, KCSO Dispatch is responsible for initiating the appropriate procedures outlined above.

9/080.00 WEAPONS/SHOOTING FROM AIRCRAFT

- **No firearms may be discharged from ASU aircraft. Unless Exigent Circumstances Exist and other options have been exhausted or are not reasonable under the circumstances.**

9/090.00 AIR SUPPORT SELF INITIATED RESPONSES:

Although aerial patrols may respond to assist ground units through a variety of source activities, e.g., calls, radio/scanner monitoring, visual observations, assigned details, etc., air crews are not required to obtain prior approval for self-initiated responses. However, the responding/primary Deputy or Watch Commander has the option to cancel the response should they determine that further air support is no longer required.

Crews are expected to exercise sound judgement when assisting ground units handling incidents that affect officer safety or citizen safety. If air crews are requested to depart the area of a particular call by a Watch Commander who believes the incident is non life-threatening and it is evident to the flight crew that continued air support is necessary due to an impending or clearly present life-threatening situation, the crew shall advise the Watch Commander that it is their intent to remain overhead until imminent danger or safety concerns have been allayed. At all times, flight crews shall refrain from being confrontational or insubordinate. Officer and citizen safety are the paramount concerns for all involved. If a situation such as this occurs, the flight crew shall contact and brief the Air Support Unit Sergeant and shall prepare, before the end of the shift, a comprehensive memo explaining their actions.

9/100.00 PATROL ALTITUDES:

The minimum patrol altitude for rural patrols is 500 feet AGL.

Attempt to minimize noise over populated areas. This includes maintaining higher altitudes when not actively engaged in support of ground Units. Flight crews are responsible for safe operations at all altitudes, which includes a well-coordinated decision-making risk assessment process.

The forgoing policy does not prohibit the PIC from operating the aircraft below these

altitudes in an emergency situation provided the aircraft is operated at a height sufficient to allow an emergency landing without undue hazard to persons or property on the surface if a power unit fails.

9/100.10 MAXIMUM FLIGHT ALTITUDE:

Operate per approved manufacture's airplane flight manual and FAA regulation; FAR 91.211

9/100.15 SUPPLEMENTAL OXYGEN USAGE:

All crew members of non-pressurized Sheriff's Office aircraft shall utilize supplemental oxygen at a recommended flow rate of two liters per minute when flight operations are conducted as follows:

- Operations above 9,000 feet mean sea level (msl), supplemental oxygen is recommended.
- Operations above 11,000 feet msl, for more than 30 minutes, supplemental oxygen is required.
- Operations for any length of time above 13,000 feet msl, oxygen is required.

9/100.20 AIRCRAFT SPEED:

Aircraft will normally be flown at speeds approved in the POH.

9/100.30 PROHIBITED FLIGHT MANEUVERS:

No pilot may operate an assigned ASU aircraft in a careless or reckless manner so as to endanger the life or property of another. No pilot may allow any object to be dropped from an ASU assigned aircraft in flight that creates a hazard to persons or property. In addition, the following flight maneuvers are prohibited:

- Aerobatic flight.
- Careless or reckless maneuvers.
- Practice power-off maneuvers.
- Operating outside the flight limitations specified in the approved manufacturer's Flight Manual and POH.

9/110.00 PATROL ASSIGNMENTS AND MINIMUM STAFFING:

Patrol flights shall be staffed pursuant to crew and aircraft availability. Patrol staffing is designed to provide a minimum level of aerial support to ground units based primarily on field deputy safety needs.

9/110.10 PILOT FLIGHT HOURS PER SHIFT:

Patrol pilots are expected to use discretion and good judgement when determining the number of flying hours flown during a normal eight or ten-hour patrol shift. Although several factors may impact the total number of hours flown during any given shift, patrol pilots are restricted from flying more than six-hours in an eight-hour patrol shift and not more than

seven hours in a ten-hour shift. To this end, flight times beyond 5.5 and 6.5 hours respectively should be discouraged, unless the remainder of the flight, up to a total of six or seven-hours, is being flown to the home station.

9/110.20 FLIGHT PERIODS

Ideally, a patrol shift shall consist of at least two flight periods. Flight periods should be adjusted to achieve a total of five hours air time in an eight-hour shift and six hours air time in a ten-hour shift. Adjustments to this policy are permitted to meet endurance requirements of the respective aircraft. Weather, aircraft availability, and crew endurance may impact this scheduling model. Patrol assignments, start times, and relief times should be established based on these criteria.

9/110.30 RECALLS

Crews on break are subject to immediate recall for flight if an emergency occurs. Therefore, it is the responsibility of the crew to have constant communication availability with the Watch Commander and/or Communications Center.

9/110.40 PATROL AREA RESPONSIBILITY

When an ASU aircraft is airborne, pilots are to concentrate their patrol efforts to support law enforcement personnel in Kings County and respond to jurisdictions outside of Kings County when requested and available. When two or more aircraft are scheduled to fly at the same time, flight crews will maintain radio communications and position themselves as necessary to provide the quickest response to the majority of the jurisdictions patrolled by the ASU.

9/120.00 CALL ASSIGNMENT PRIORITY:

Aircrews should make every effort to respond to all requests for service. In the event that multiple or conflicting requests occur, air crews will respond to calls using the following priority criteria:

Priority 1 **EMERGENCY** Receive to Dispatch Time (QUE) must be three (3) minutes or less. Any situation which presents an immediate, imminent danger of bodily harm or death to some person. Any crime in progress, and any complaint type where a citizen has a suspect detained.

Priority 2 **URGENT** Receive to Dispatch Time (QUE) must be twenty (20) minutes or less. Any call which is not an emergency, in progress, or Priority 1, but requires response without undue delay.

Priority 3 **NON-EMERGENCY** Receive to Dispatch Time (QUE) can be up to 180 minutes. Calls where the investigation will not be enhanced by an immediate or undelayed response.

9/120.10 CALL RESPONSE SELECTION:

In determining priorities, air crews may consider all of the following:

- Type of call
- Location
- Weather
- Available fuel
- Surrounding air traffic
- Available equipment

9/200.00 PURSUITS

The ASU's involvement in vehicle and foot pursuits shall be in accordance with existing Sheriff's Office pursuit policy and the Air Support policy.

9/200.10 VEHICLE PURSUITS

The ASU plays a major role *as a "Safety Manager"* in vehicle pursuits; therefore, it is predictable that our actions will be reviewed extensively, especially in those situations where there is an injury or death during the incident. The following Unit policy applies to all pursuits involving Sheriff's Air Units:

The ASU is responsible to the Watch Commander, who has overall responsibility for the pursuit. If the air unit receives a directive that they believe cannot be responded to or completed without jeopardizing the control of the pursuit, they will so advise the Watch Commander. If the Watch Commander still directs that the action by the air unit be completed, then it shall be completed. This does not include directives that would jeopardize the safety of the aircraft or its crew.

The ASU aircraft with the shortest response time to the pursuit shall respond and broadcast the status of the pursuit. Once over the pursuit, the air unit assumes radio broadcast responsibility for the pursuit. This responsibility will take effect after radio communication is clearly established between the air unit and the ground units, confirming transfer of the responsibility. This authority pertains to the immediate field operation and is, at all times, subordinate to the command of the Watch Commander.

When calling the pursuit, ASU personnel should control their voice inflection and be clear and concise in their radio traffic. Required information to be broadcast by the air unit shall include the following:

- Location, estimated speed and direction of travel of the suspect vehicle.
- Traffic conditions.
- Any criminal act by the suspect that can be observed from the air, (e.g., vehicular ADW's, disposal of evidence, etc.).
- The number of patrol units involved in the pursuit, and, if tactically possible, the roof top

numbers of the primary unit and back-up units.

ASU's shall not descend to an altitude below that which is prescribed as the minimum altitude for patrol flights. Positive communication between the pilots of both aircraft shall be established whenever more than one aircraft is involved in a pursuit of the same vehicle.

In the event another agency aircraft becomes involved in the pursuit, the ASU shall initiate radio contact and confirm transfer of pursuit coverage to the other agency prior to departing from the pursuit. Should it become necessary for an ASU to assume coverage of another agency's pursuit, positive radio communication and visual contact with the air unit and ground units shall occur prior to our involvement in the pursuit. In either incident, transfer of coverage shall be accomplished in the same manner as previously described and if necessary the ASU pilot will clearly state his/her intentions and his/her method of "breaking off" with the other pilot.

When the air unit advises other agencies, or has Dispatch notify other agencies of the pursuit traversing their jurisdiction, the air unit shall specifically advise if additional units are needed or not. If there are sufficient units already involved in the pursuit, the agency being informed shall be advised not to respond or get involved in the pursuit.

In all situations wherein the pursuit becomes excessively dangerous because of speed or other factors, the air unit should request all ground units to drop off and discontinue their pursuit, allowing the air unit to track the suspect to ground. In such situations, the suspect shall be kept under surveillance by the air unit until they stop and leave the vehicle. At this time, ground units will be advised and a tactical containment may be initiated.

ASU personnel are reminded that their primary support mission is to enhance officer safety and to protect innocent citizens. This may best be accomplished during a pursuit by doing more than simply advising suspect location and direction of travel. The air unit must limit the number of officers who would jeopardize themselves and others by unknowingly joining a pursuit when it was not needed.

If a Watch Commander orders the termination of a pursuit, the involved air unit should discontinue further broadcasts of the pursued vehicle's location, but may request permission from the Watch Commander to continue tracking the vehicle's location and notify adjoining agencies of the once-pursued vehicle entering their jurisdiction. If permission to track the pursuit is not granted by the Watch Commander, the air unit shall discontinue further attempts to track or surveil the pursued vehicle. Should the Watch Commander allow the air unit to continue monitoring, tracking or surveilling the pursued vehicle, the air unit shall maintain visual contact with the pursued vehicle, discontinuing pursuit style tactics. In no event shall the ASU begin rebroadcasting the location and direction of travel of the pursued vehicle without specific authorization from the Watch Commander. Once the suspect stops the vehicle for whatever reason, the air unit shall inform the patrol units in the concerned area as well as the Watch Commander. The air unit shall coordinate assisting ground units to the suspect as required.

9/200.20 VEHICLE PURSUITS LEAVING THE COUNTY:

When it becomes apparent that a vehicle pursuit is about to leave the Kings County area, aircrews, if feasible, should:

- Advise the Watch Commander of the pending situation, the departure from Kings County and request authorization to continue.
- Advise dispatch of the jurisdiction about to be entered. If necessary, request air or ground units from that jurisdiction take over the pursuit responsibilities.
- When a relief aircraft or ground unit is in position to take over the pursuit, ASU aircraft will relinquish control and return to Kings County as soon as practical unless additional assistance is requested or if a ground unit is continuing in the pursuit.

9/200.30 FOOT PURSUITS:

Foot pursuits require the immediate attention and involvement of an ASU to ensure the safety of deputies on the ground. As in vehicle pursuits, the ASU with the shortest response time shall respond to assist ground Units. The primary mission of the ASU, once on-scene, is to locate the suspect(s) and assist ground units in accounting for all deputies involved in the pursuit.

Although many foot pursuits and some vehicle pursuits develop into containments and subsequent searches, the life threatening nature of the pursuit is likely to remain until the suspect(s) is/are captured or the search is terminated. Therefore, it is appropriate for an ASU to remain on-scene assisting ground unit in the search for outstanding suspects. The air unit shall remain over the concluded pursuit until confirmation is received that no further assistance is needed by the ground units and/or the Watch Commander.

9/200.40 AIRCRAFT PURSUITS:

Aircraft suspected of FAR violations shall not be pursued in flight, however, an attempt should be made to obtain sufficient identifying information, location and nature of the violation to make telephonic notification to the FAA. If the violation is criminal, extremely hazardous or appears to be alcohol/drug related, an attempt to make personal contact to conduct an investigation may be warranted. Every attempt should be made to contact the concerned pilot by radio, either directly or through ATC, advising the pilot of the observed violations and ordering the pilot to land at the nearest suitable airport. Failure on the part of the concerned pilot to comply with lawful instructions shall be immediately reported to ATC. Following/pursuing the aircraft to assist in identification or effect enforcement action is authorized up to a distance of 50 miles into contiguous counties. In any event, following/pursuing suspected violations shall be reported immediately to the Watch Commander.

9/300.00 DEPLOYMENT OF AIR CREWS: CIVIL DISTURBANCES:

In the event the ASU is requested to provide support in response to a major civil disturbance, precautions shall be taken by the aircrews prior to entering the affected area. Of prime concern is the increased likelihood of being subjected to ground fire during a riotous situation as opposed to similar risks taken on a daily basis. Therefore, it is incumbent upon aircrews to be adequately prepared and properly briefed prior to taking action or entering the scene of a major disturbance.

Response to a major civil disturbance shall be tempered at best and not without considerable regard for the safety of the air crew and aircraft. Air crews are cautioned against immediately responding to a civil disturbance or riotous situation without adequate preparation. As soon as practical, a designated ASU shall be directed to return to ASU office where they shall receive a situational briefing and obtain additional equipment, i.e., stabilized binoculars, body armor.

The aircrew should obtain as much information as possible relative to the disturbance. At a minimum, the aircrew should be briefed on the location of the disturbance, approximate number of persons involved, extent of criminal activity, jurisdictional agency and radio frequencies, and location of command post.

When responding to the affected area, patrol altitudes should be varied and somewhat higher than normal to reduce the vulnerability of the aircraft to ground fire, especially during daylight hours. During hours of darkness, minimal aircraft lighting should be used and the use of the searchlight should be restricted to officer safety only. Every attempt shall be made to use a FLIR, which will increase the aircrew's ability to monitor crowd activity under minimum lighting conditions.

It is strongly recommended that aircrews wear personal body armor when responding to civil disturbances.

Air crew safety is the greatest consideration when responding to a major disturbance. Prior planning, adequate preparation, crew coordination, and good common sense will assist greatly in reducing the risk associated with this type of mission.

9/400.00 OPERATIONS INVOLVING NEWS MEDIA AIRCRAFT:

When encountering high visibility events involving the news media, ASU pilots shall attempt to do the following:

- If media aircraft are already on scene, ESTABLISH RADIO CONTACT before entering the area or operating in close proximity with any other aircraft.
- ASU pilots shall announce their arrival TWO NAUTICAL MILES from the scene, providing altitude and direction of travel. Pilots shall also state their intentions and request a 1000-foot separation.
- TURN ON LANDING LIGHTS TO INCREASE VISIBILITY when flying toward an event.

Likewise, news media pilots are expected to adhere and comply with the same standards and recommendations. When news media aircraft are observed operating without regard to these guidelines, ASU pilots shall document the incident by submitting a memo describing the event to the ASU Sergeant. Should this necessitate review by a higher authority, the ASU Sergeant shall forward the memo to the ASU Commander, via the chain of command.

If the scene poses a hazard to other aircraft, or their operation in the air space in and around the incident, the ASU pilot may request authorization from to declare a temporary flight restriction in accordance with FAR 91.137.

9/500.00 TEAR GAS DEPLOYMENT:

Tear Gas (CN, OC, or CS) shall not be deployed from a Sheriff's Office aircraft. Gas containers and related dispensing equipment may be carried as cargo when the pilot has determined that the containers are properly sealed and safe to transport.

9/600.00 SURVEILLANCE FLIGHTS:

An ASU Pilot and Tactical Flight Officer will be assigned to fly surveillance missions whenever possible. When not actively engaged in surveillance activities, ASU crews are strongly encouraged to provide aerial support to ground units and shall respond to life threatening calls when requested.

9/700.00 AERIAL PHOTO/VIDEO:

Requests for aerial photo/video should be coordinated through the ASU Sergeant. Photo/video evidence is a key component of the ASU and should be utilized to the maximum extent possible and shared with agencies as soon as possible after the conclusion of an incident.

9/710.00 SPECIAL EVENTS/STATIC DISPLAYS:

All requests for participation in functions such as static displays or other special events can be approved by the unit Sergeant or as directed by a higher level of authority.

9/720.00 OVER WATER OPERATIONS:

Except in response to an actual or potential life threatening situation, or when necessary to complete a mission, ASU air crews shall not engage in routine over water operations beyond a power-off glide distance to a suitable landing site.

- The Pilot in Command must weigh the importance of the call against the risk of operating beyond a power-off glide distance to a suitable landing site.

Aircrews may not engage in over water training situations without prior approval from the ASU Commander.

If over water operations are necessary, all occupants of the aircraft, (crew members and

passengers) shall be provided with and wear approved flotation equipment before commencing such operations.

9/730.00 WEATHER LIMITATIONS:

All pilots shall be familiar with weather minimums for flight destinations. Pilots shall be familiar with weather systems and cloud formations indicating severe weather approaching. An aircraft shall be landed as soon as possible when the pilot determines weather minimums exist or believes a safety hazard for aircraft and crew exists.

Flight into known or forecast severe weather conditions is prohibited. If a thunderstorm is encountered, the pilot will fly the shortest route out of the turbulence, or land at an approved site, whichever is most practical.

Flight into known or forecast icing conditions is prohibited. If unforecast icing conditions are encountered, the pilot will take necessary steps to fly out of the condition. If unsuccessful, they will terminate the flight at the nearest safe landing zone.

9/730.10 WEATHER MINIMUMS:

The following VFR weather minimums apply to ASU operations except under circumstances where FAR requirements are more restrictive. Ceiling minimums for flight shall be:

- Operations over flat terrain: 1000 feet
- Operations over mountainous terrain: 2000 feet
- Visibility minimums for flight shall be: 3 miles

In all cases, ASU assigned aircraft will not be operated unless the pilot has visual ground reference, or at night, visual ground light reference.

When operating within controlled airspace, required clearances shall be obtained by the Pilot in Command.

9/730.20 HIGH WIND OPERATIONS:

Aircraft should be operated within the high wind parameters as outlined by the aircraft manufacturer.

9/730.30 WARNING OR CAUTION LIGHTS:

When an aircraft warning or caution light illuminates during ground or flight operations, the pilot shall observe the aircraft manufacturer's operating procedures completely. As soon as practical the pilot shall notify maintenance personnel through the prescribed methods and ground the aircraft until the problem is resolved.

Chapter 10: Reports

10/100.00 SHIFT LOG:

- **Flight Circle:** At the beginning and end of each mission/shift, the pilot in charge will report any and all relevant flight information into Flight Circle.
- **Damage to Aircraft or Equipment:** Any damage to any aircraft or equipment assigned to the ASU shall be reported immediately to the Unit Sergeant.

Chapter 11: Emergency Operations

11/100.00 PILOT'S EMERGENCY AUTHORITY:

Pursuant to FAR 91.3, during an in-flight emergency requiring immediate action, the Pilot in Command may deviate from any rule of Part 91 to the extent required to meet that emergency.

Each PIC who deviates from a rule within the FAR's under authority of the above section shall send a written report of that deviation to the FAA upon request by that agency. If so requested, this report shall also be forwarded to the Unit Sergeant.

11/100.10 EMERGENCY AIRCRAFT EVACUATION:

The PIC or person designated by the PIC shall be responsible for the orderly evacuation of the aircraft in an emergency requiring evacuation. If available, emergency ground crews should be utilized to help remove passengers or crew members requiring assistance to expeditiously exit the aircraft.

11/200.00 PRECAUTIONARY LANDINGS:

A precautionary landing is one that results from suspected or potential mechanical failure, not immediately affecting the flightworthiness of the aircraft. If such a precautionary landing becomes necessary, the aircrew will:

- Notify dispatch of the situation and intended airport where the aircraft will be landing. The pilot is also responsible for notifying the local ATC if required.
- Select the nearest suitable airport and land the aircraft.
- As soon as possible, contact the ASU Commander, and Watch Commander to notify them as to the extent of damage or type of mechanical difficulty.

11/200.10 EMERGENCY LANDING PROCEDURES:

An emergency landing shall be any landing at any location caused by a mechanical failure that immediately affects the flightworthiness of the aircraft. In the event of an emergency landing:

- The PIC will make notification to the local ATC of the situation and declare an emergency.
- The TFO will advise the dispatcher of the jurisdiction over which they are flying of the emergency situation and the approximate location of the intended landing.
- The dispatcher is responsible for assigning police and fire/paramedic personnel to the scene unless otherwise directed by the aircrew. The dispatcher shall also notify the Watch Commander of the aircrew involved in the emergency landing.
- Following the landing, a crew member will notify Dispatch of the extent of any injuries and damage. Immediate notification will be made to the, Watch Commander and the on duty/on call Commander.
- The ASU Commander will, as soon as possible, ensure the notifications have been made and should then respond to the landing site (prior to moving the aircraft) to assist in the investigation as necessary and/or make recommendations as appropriate.

In the event of an injury, death, or damage to the aircraft or other property, no removal of the aircraft or any components will occur until proper notification and compliance is made with the Federal Aviation Administration (FAA) and the National Transportation Safety Board (NTSB).

The PIC shall be responsible for the preparation and submission of an incident report detailing the emergency landing. This report shall be submitted to the Unit Commander.

The Unit Commander will be responsible for confirming all appropriate reports are completed immediately and routed appropriately.

11/300.00 ACCIDENT AND INCIDENT REPORTING DEFINITIONS (FAR 830.2):

Aircraft accident: An occurrence associated with the operation of an aircraft, which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

Incident: An occurrence other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operations.

Serious Injury: Any injury requiring hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received, or results in a fracture of any bone (except simple fractures of fingers, toes, or nose); or causes severe hemorrhages, nerve, muscle, or tendon damage; or involves any internal organ, or involves second or third degree burns, or any burns affecting more than 5 percent of the body surface.

Substantial Damage: Means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairing or cowling, dented

skin, small puncture holes in the skin or fabric, ground damage to propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this definition.

11/300.10 ACCIDENT AND INCIDENT REPORTING:

The PIC shall immediately report to the Unit Sergeant any accident or incident involving ASU assigned aircraft who will in-turn notify the Unit or On Call Commander. The Unit or the On Call Commander shall be responsible for making proper notification to the Assistant Sheriff. The PIC is responsible for making required notifications and reports to the NTSB (as required by FAR Part 830).

In the event of injury or death the Unit or on call Commander will notify the Assistant Sheriff and/or Sheriff. The Unit or On Call Commander will, when necessary, notify Risk Management of the accident.

11/300.20 REPORTABLE ACCIDENTS AND INCIDENTS:

The operator of an aircraft shall file a report on NTSB Form 6120.1 within ten (10) days after an accident or incident listed below. The operator, when requested by the NTSB, shall file the report with the field office of the NTSB nearest the accident or incident.

An aircraft accident or any of the following listed incidents occur:

- Flight control system malfunction or failure.
- Inability of any required flight crew member to perform normal flight duties as a result of injury or illness (only on in-flight incidents).
- Failure of structural components of an engine.
- In-flight fires; or
- Aircraft collision in flight.
- Property damage (other than to the aircraft) estimated to exceed \$25,000 for repair including materials and labor or fair market value in the event of total loss, whichever is less.
- An overdue aircraft is overdue and believed to have been involved in an accident.

11/300.30 REQUIRED INFORMATION FOR REPORTING:

If a reportable accident or incident occurs, the following information shall be provided to the field office of the NTSB nearest the accident scene:

- Type, nationality and registration mark on the aircraft.
- Name of owner and operator of the aircraft.

- Name of PIC
- Date and time of the accident.
- Last point of departure and point of intended landing of the aircraft.
- Position of the aircraft with reference to some easily defined geographical point.
- Number of persons aboard, number killed, and number seriously injured.
- Nature of the accident, including the weather and the extent of damage to the aircraft so far as known.
- A description of any explosives, radioactive materials or other dangerous articles carried on board.

11/400.00 PRESERVATION OF AIRCRAFT AND CONTENTS:

If an ASU assigned aircraft is involved in a reportable accident or incident to the NTSB, the wreckage, cargo and all records pertaining to the operation and maintenance of the aircraft and the airmen, shall be preserved to the extent possible until the NTSB takes custody thereof or a release is granted pursuant to FAR 831.12(b). Prior to the time the NTSB or its authorized representative takes custody of the aircraft, wreckage, or cargo, such wreckage or cargo shall not be disturbed or moved except to the extent necessary:

- To remove persons injured or trapped.
- To protect the wreckage from further damage.
- To protect the public from injury.

Where it is necessary to move craft wreckage or cargo, sketches, descriptive notes and photographs shall be made, if possible, of the original positions and condition of the wreckage and any significant impact marks.

The Kings County Sheriff's Office, subject to the reporting requirements of FAR 830.5(a), shall retain all records, reports, internal documents, and memoranda dealing with the accident or incident until authorized by the NTSB to the contrary.

11/500.00 INTERNAL REPORTING REQUIREMENTS (MAJOR INCIDENTS):

Staff shall document and investigate all major incidents. A major incident is described as one that involves an operational aircraft, where reoccurrence of the incident is possible or probable, and the probability of major damage or injury is high; or is an incident that has received, or probably will receive adverse publicity by the news media.

Examples of a major incident would be structural failure of an engine, an in-flight fire, etc. In such an event one must assume initially that this might happen again, possibly soon, to another aircraft. An example of an incident which might involve the news media would be a forced landing on a highway.

If a Sheriff's Office aircraft is damaged, either by ground handling, blade strikes, mechanical failure, forced landings, or any other means, or if any person is injured by an aircraft or its operator, the Unit Sergeant shall direct the employee operating the aircraft or mechanic working on the aircraft to submit a comprehensive incident report clearly explaining the facts of the incident.

The Unit Sergeant shall conduct a further inquiry into the accident/incident and shall complete an Administrative Incident Report with appropriate recommendations for corrective action if required, and/or discipline. Included in the incident report shall be any photos and/or supporting documentation.

11/600.00 DEVIATION FROM AN ATC CLEARANCE:

Any PIC who, in an emergency, deviates from an ATC clearance or instruction shall notify ATC of that deviation as soon as possible.

A PIC who (though not deviating from a rule of FAR Part 91) is given priority by ATC in an emergency shall if requested by the ATC, submit a detailed report of that emergency within 48 hours to the manager of that ATC facility. If such a request is made, the PIC shall also forward a copy of the report to the Unit Sergeant.

Chapter 12: Safety

12/010.00 SAFETY PROGRAM POLICY AND GOALS:

The ASU shall comply with all requirements of law and Sheriff's Office Policy regarding safety, operational standards and risk management, and shall strive to provide all employees with a safe and healthy work environment.

12/020.00 SAFETY OFFICER RESPONSIBILITIES:

In order to ensure the highest level of safety possible, the Unit Sergeant, Training Pilot(s)/CFIs and TFO Trainers have the responsibility to direct all ASU's Safety and Accident Prevention programs and training, and is responsible to identify and eliminate potential risks. Duties include, but are not limited to:

- Co-ordinates all safety training for ASU members.
- Identifies and evaluates safety problem areas.
- Provides technical guidance where safety is a factor in Unit operations and training.
- Prepares and presents periodic safety meetings and briefings.
- Investigates all Unit incidents and accidents with the purpose of preventing future accidents.

12/030.00 SAFETY MEETINGS:

Safety meetings should be convened quarterly or as needed. These meetings will address recognized safety concerns, risks, and previous incident or accidents. Safety meetings shall also be convened after every Critical Incident of In-Flight Emergency occurs. Those present shall include the following:


- ASU Commander
- ASU Sergeant
- Pilots
- Tactical Flight Officers

The Unit Sergeant shall document meetings, concerns and recommendations, and distribute meeting notes to all ASU personnel files. Additionally, a training memo will be placed in the ASU folder located on the Kings County Sheriff's Office "H" drive.

12/040.00 SAFETY EVALUATIONS AND INSPECTIONS

The Unit Commander should cause periodic inspections (at least annually) of ASU operations and facilities to be conducted.

2021-DLE-03 Information Bulletin.pdf

<p>California Department of Justice DIVISION OF LAW ENFORCEMENT John D. Marsh, Acting Chief</p> 	<p>INFORMATION BULLETIN</p>	
<p><i>Subject:</i></p> <p>Assembly Bill (AB) 1506 Definitions and Law Enforcement Agency's Notification Responsibility</p>	<p><i>No.</i></p> <p>2021-DLE-03</p>	<p><i>Contact for information:</i></p> <p>John D. Marsh, Acting Chief Division of Law Enforcement (916) 210-6300</p>
	<p><i>Date:</i></p> <p>6/24/2021</p>	

TO: ALL DISTRICT ATTORNEYS, CHIEFS OF POLICE, SHERIFFS, AND STATE LAW ENFORCEMENT AGENCIES

Effective July 1, 2021, pursuant to AB 1506, the Department of Justice (DOJ) is required to investigate “incidents of an officer-involved shooting resulting in the death of an unarmed civilian.” (Gov. Code, § 12525.3, subd. (b)(1).) The following is DOJ’s understanding of the terms used in this statute, and is to be used as guidance for all law enforcement partners in determining whether a case falls within the ambit of AB 1506. These definitions are meant to apply *only* in the context of AB 1506, and these terms may have different meanings in other contexts or in different statutes.

Notwithstanding these definitions, DOJ may elect to assume jurisdiction in cases where jurisdiction is unclear, or based on other extenuating circumstances, as determined by the Attorney General. (See Cal. Const., art V, § 13 [Attorney General is “chief law officer of the State” and has a duty “to see that the laws of the State are uniformly and adequately enforced”].)

1. “Officer-involved”

A shooting is “officer-involved” if the death to the unarmed civilian is caused by a California peace officer, within the meaning of Penal Code section 830, acting under color of authority. All shootings committed by officers while on duty are officer-involved shootings. Shootings committed by officers while off-duty are considered officer-involved shootings only if the officer is acting under color of authority.

Officers are acting under “color of authority” when they are performing an act that is made possible only because they are clothed with the authority of law, or when they are acting under pretense of law. Conversely, officers are not acting under “color of authority” when they commit private acts in furtherance of personal pursuits. Shootings by correctional officers as defined in Penal Code section 830.55 are excluded.

2. “Shooting”

A “shooting” is the discharge of a metal projectile by a firearm. A “firearm” is a “device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.” (Pen. Code, § 16520.) A “shooting” does not include incidents involving

the use of electronic control devices, stun guns, BB, pellet, air, gas-powered guns, or weapons that discharge rubber bullets or beanbags.

3. “Unarmed civilian”

An “unarmed civilian” is “anyone who is not in possession of a deadly weapon.” (Gov. Code, § 12525.3, subd. (a)(2).)

4. “Possession”

A civilian is in “possession” if the weapon is under the civilian’s dominion and control at the time of the shooting. Possession usually requires that the weapon is available for use. Where a civilian attempts to take control of an officer’s firearm, the civilian is not in possession unless the officer loses control of the firearm.

5. “Deadly weapon”

“‘Deadly weapon’ includes, but is not limited to, any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, pilum, ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.” (Gov. Code, § 12525.3, subd. (a)(1).) All firearms, and BB/pellet guns, even if unloaded or inoperable, are deadly weapons.

Objects that have a legitimate non-weapon purposes are considered deadly weapons only when, based on all the circumstances, they are actually being used in a manner likely to produce death or great bodily injury. The following are examples of objects that have been considered a deadly weapon when used in that manner: knives, box cutters, screwdrivers, bottles, chains, automobiles, rocks, razor blades, and iron bars.

Replica firearms are not considered deadly weapons unless they are used in some particular manner likely to produce death or great bodily injury (e.g., as a bludgeon).

6. “Death”

Death occurs when “[a]n individual ... has sustained either (1) irreversible cessation of circulatory and respiratory functions, or (2) irreversible cessation of all functions of the entire brain, including the brain stem[.]” (Health & Saf. Code, § 7180.) DOJ may assume responsibility for cases where death appears to be imminent.

Law Enforcement Agency’s (LEA) Notification Responsibility

Effective July 1, 2021, immediately notify the DOJ when the LEA has an incident of an officer-involved shooting resulting in the death of an unarmed civilian. When situations arise and it is undetermined if the civilian was unarmed, a notification to DOJ is still requested. The Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR) will be the central point of contact for all officer-involved shooting incident notifications: **(800) 522-5327**.

Annual Report for 2022.pdf

**KINGS COUNTY SHERIFF'S OFFICE
ANNUAL MILITARY EQUIPMENT REPORT
DATED MARCH 25, 2022**

I. MILITARY EQUIPMENT INVENTORY

The Kings County Sheriff's Office (the "Department") utilizes the equipment listed below for law enforcement purposes only, in a manner that is consistent with the equipment's description and purpose. The Department's use complies with state and federal law, including any licensing or certification requirements, and County and Department policies and procedures. All equipment is used in a manner that protects public and officer safety and the community's civil rights and civil liberties, with the goal of minimizing injury to persons and property, including when exigent circumstances arise that may require a related use not explicitly described below. Deployments are relegated to those who have completed requisite training or qualification, including that from the Department and the Commission on Peace Officer Standards and Training (POST).

1. Unmanned Aircraft System (UAS): An unmanned aircraft along with the associated equipment necessary to control it remotely.

a. Description, quantity, capabilities, and purchase cost of current UAS:

- i. DJI Phantom 4 Pro Drone/UAS, cost \$1499 each, quantity: 1. Weighing approximately 1375 grams and is capable of recording audio and video, with approximately 30 minutes of flight time.
- ii. DJI Spark Fly More Drone/UAS, cost \$569 each, quantity 1. Weighing 95 g and is capable of recording audio and video, with approximately 30 minutes of flight time.
- iii. DJI MAVIC ENTERPRISE DUALS, cost: \$5,500 each, quantity: 2. UAS that has a color and inferred camera as well as audible speaker and light. Capable of video recording and weighs 899 grams, approx. 30 minutes of flight time.
- iv. DJI T Mavic 2 ZoomDrone/UAS, cost: \$1,829 each, quantity: 2. Weight 905 grams and is capable of recording audio and video, with approximately 30 minutes of flight time.
- v. DJI MAVIC PRO, cost: \$1500, quantity: 1. UAS that weighs approx. 1.5 pounds, 25 min flight time and a single-color camera with recording capabilities.
- vi. DJI Air2 Drone/UAS, Cost \$799 with smart controller \$749.00 Quantity 1. Weighing approximately 570 grams is capable of recording audio and video, with approximately 30 minutes of flight time. This drone is also outfitted with propeller guards and is capable of flight indoors.

b. Purpose

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- i. major collision investigations.
- ii. search for missing persons.
- iii. natural disaster management.
- iv. crime scene photography.
- v. SWAT, tactical or other public safety and life preservation missions.
- vi. In response to specific requests from local, state, or federal fire authorities for fire

response and/or prevention.

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate the DJI Mavic Mini during approved missions.

d. Expected Life Span

All UAS equipment, 3-5 years.

e. Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$4,000.

f. Training

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend a 40-hour department training and ongoing quarterly training.

g. Legal and Procedural Rules

Use is established under General Order 525.09, FAA Regulation 14 CFR Part 107, and the Kings County Sheriff's Office UAS policy. It is the policy of the KCSO to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

2. Robots: Unmanned machine operating on the ground utilized to enhance the safety to the community and officers.

a. Description, quantity, capabilities, and purchase cost

- i. Avatar Micro 2010 Robot, cost: \$15,525 each, quantity: 1. The AVATAR Micro is a rugged, easy-to-use tactical robot that enhances the capabilities of law enforcement and first-responders by allowing them to safely and quickly inspect dangerous situations. The AVATAR Micro also offers multiple communications options.

b. Purpose

To be used to remotely gain visual/audio data, deliver HNT phone, open doors, disrupt packages, and clear buildings.

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate the robots identified at sections 2(a)(i). Use is established by the Tactical Commander and or Incident Commander.

d. Expected Life Span

All robots, 8-10 years.

e. Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$2,000.

f. Training

All robot operators must complete a basic operator class to operate the robot(s) identified at sections 2(a)(i).

g. Legal and Procedural Rules

It is the policy of the KCSO to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

3. Armored Vehicles: Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes.

a. Description, quantity, capabilities, and purchase cost

- i. Lenco BEARCAT, G2, cost: \$303,832.00, quantity: 1. (desired quantity 2). The Lenco Bearcat, G2, is an armored vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal bodyarmor.

b. Purpose

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

c. Authorized Use

The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.

d. Lifespan

Lenco Bearcat models G2, 25 years.

e. Fiscal Impact

Annual maintenance cost of approximately \$10,000.

f. Training

All driver/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.

g. Legal and Procedural Rules

Use is established under General Order 580.18. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

4. Mobile Incident Command Vehicle (Mobile Command Center - MCC): A mobile office that provides shelter, access to Sheriff's Office computer systems, incident interview room, and restroom

facilities on extended events.

a. Description, quantity, capabilities, and purchase cost

22' walk-in Van (F59 chassis) (custom built) Ford vehicle, cost: \$265,000.00 quantity: 1. The MCC can also be utilized for SWAT/CRT and other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events.

b. Purpose

To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.

c. Authorized Use

The MCC shall be used by Deputies/Officers trained in their deployment and in a manner consistent with Department policy and training. Furthermore, only Deputies/Officers who are properly licensed and have completed a driver's training program will be allowed to drive the MCC.

d. Lifespan

The MCC, 20-year lifespan on chassis and vehicle structure. Upgrades needed in 7 years to maintain IT systems.

e. Fiscal Impact

Annual maintenance cost is approximately \$2,000.

f. Training

The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.

g. Legal and Procedural Rules

It is the policy of the Department to use the MCC only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.

h. Training

Once completing a closed training course, the operator will drive the vehicle with an experienced driver.

i. Legal Procedural Rules

Use shall be in accordance with California State law regarding the operation of motor vehicles.

5. 40 MM and 37 MM Launchers and Rounds: 40MM and 37MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.

a. Description, quantity, capabilities, and purchase cost:

- i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, cost: \$1000, quantity: 2. (desired quantity 4). The 40MM Single Launcher is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet and is only authorized to be used by SWAT personnel.
- ii. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325, cost: \$18, quantity: 35. (desired quantity 50). A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.
- iii. DEFENSE TECHNOLOGY, 40MM DIRECT IMPACT OC, #6320, cost: \$30, quantity: 25. (desired quantity 50). A less lethal 40MM lightweight plastic and crushable foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 295 FPS. The 39-gram crushable foam projectile delivers 120 ft/lbs of energy upon impact in addition to dispersion of 5 grams of OC irritant. The 40mm Direct Impact OC Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 120 feet from the target.
- iv. DEFENSE TECHNOLOGY, FERRETT 40MM LIQUID BARRICADE PENETRATOR ROUND, #2262, cost: \$23, quantity: 21 (desired quantity 50). A less lethal 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.
- v. DEFENSE TECHNOLOGY, FERRETT 40MM POWDER BARRICADE PENETRATOR ROUND, #2262, cost: \$23, quantity: 28. (desired quantity 50). A less lethal 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

d. Training

Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agents instructors.

e. Lifespan

Defense Technology 40MM and 37MM Luncer - 25 years.

Model 6325 Exact Impact Sponge- 5 years.

Model 6320 Direct Impact OC- 5 years.

Model 2262 Liquid Barricade Penetrator round- 5 years.

Model 6182 Defense Technology Spede-Heat 40 MM long-range, CS- 5 years.

Model 6183 Spede-Heat 40mm Long-range Round, Saf Smoke- 5 years.

Model 6040 40mm Round Muzzle Blast, OC- 5 years.

Model 60280C 40 mm warning/signaling munition with OC, 50 meter- 5 years.

f. Fiscal Impact

Annual maintenance is approximately \$50 for each launcher.

g. Legal and Procedural Rules

Use is established under General Order 580.02 and 580.12. It is the policy of the SPD to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

6. Combined Systems LC5 Launching Cup: Cups that attach to 12 gauge less lethal shotguns which allow officers to launch canisters of chemical agents or smoke.

a. Description, quantity, capabilities, and purchase cost

COMBINED SYSTEMS LC5 LAUNCHING CUP, cost: \$302, quantity: 2. (desired quantity 4). The LC5 Launching Cups are designed for the 5200 series grenades. The cups can be attached to virtually any 12ga shotgun and the munition launched with our model 2600 launching cartridge.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

d. Lifespan

Combined Systems LC5 40MM Launching Cup- 25 years

e. Fiscal Impact

No annual maintenance.

f. Training

Officers utilizing the launching cups are trained in their use by SWAT POST certified chemical agents instructors.

g. Legal and Procedural Rules

Use is established under General Order 580.02 and 580.12. It is the policy of the SPD to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

7. Distraction Devices: A distract device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

a. Description, quantity, capabilities, and purchase cost

- i. Defense Technology Distraction Device's, FLASH-BANG, cost: \$52, quantity: 29. (desired quantity 50). A non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

b. Purpose

To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

c. Authorized Use

Diversionary Devices shall only be used:

- i. By officers who have been trained in their proper use.
- ii. In hostage and barricaded subject situations.
- iii. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
- iv. During other high-risk situations where their use would enhance officer safety.
- v. During training exercises.

- d. Lifespan
Until used.
- e. Fiscal Impact
No annual maintenance.
- f. Training
Prior to use, officers must attend divisionary device training that is conducted by Post certified instructors.
- g. Legal and Procedural Rules
It is the policy of the KCSO to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

8. Chemical Agent and Smoke Canisters: Canisters that contain chemical agents that are released when deployed.

- a. Description, quantity, capabilities, and purchase cost
 - i. DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE GRENADE, CS, #1082, cost: \$27, quantity: 20. (desired quantity 50). The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.
 - ii. DEFENSE TECHNOLOGY, FLAMELESS TRI-CHAMBER CS GRENADE, #1032, cost \$45, quantity: 27. (desired quantity 50). The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure. The Tri-Chamber Flameless Grenade is NOT to be launched utilizing a launching cup.
 - iii. 5230B- CS BAFFLED CANISTER GRENADE, PYRO, LOW FLAME POTENTIAL, cost \$45, quantity 25. 5230B (desired quantity 50). – Pyrotechnic grenade designed for

indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately 25 gram of agent. The purpose of the 5230B- CS BAFFLED CANISTER GRENADE is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The 5230B- CS BAFFLED CANISTER GRENADE provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.

- iv. SPEDE-HEAT™ CONTINUOUS DISCHARGE CHEMICAL GRENADE, CS, cost \$50, quantity 16. (desired quantity 50). The Spede-Heat CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent. The Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure. The Grenade is NOT to be launched utilizing a launching cup.
- v. INSTANTANEOUS BLAST CS GRENADE, cost \$45, quantity 13, (desired quantity 50). The Instantaneous Blast CS Grenade is designed for indoor or outdoor use; this grenade's powder is expelled upon initiation of a small internal detonator that has sufficient force to split the canister at six machined grooves on the outside surface. This device is well suited for affecting numerous subjects grouped within a contained portion of a prison yard or area, using wind to the advantage. This 6.12 in. by 2.62 in. grenade will deliver approximately 1.5 oz. of active agent.
- vi. DEFENSE TECHNOLOGY, POCKET TACTICAL CS GRENADE, cost: \$39, quantity: 12. (desired quantity 50). The Pocket Tactical CS Grenade is small, and lightweight. The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical grenade.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

- c. Authorized Use
Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents.
- d. Training
Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agents instructors.
- e. Lifespan
5 years from manufacturing date.
- f. Fiscal Impact
No annual maintenance.
- g. Legal and Procedural Rules
Use is established under the KCSO Chemical Agent Policy. It is the policy of the KCSO to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

9. Explosive Breaching Tools: Tools that are used to conduct an explosive breach.

- a. Description, quantity, capabilities, and purchase cost
 - i. ROYAL REMINGTON 870 EXPRESS BREACHING SHOTGUN, cost: \$500, quantity: 2. (desired quantity 4). This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
 - ii. MOSSBURG 930 SEMI-AUTOMATIC BREACHING SHOTGUN, cost \$800, Quantity: 3. (desired quantity 4). This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
 - iii. ROYAL ARMS TESAR-2 BACK CAP 425 GRAIN COPPER FRANGILBE BREACHING ROUND, cost: \$5 per round, quantity: 201. (desired quantity 300). The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.
 - iv. ROYAL ARMS TESAR-4 YELLOW CAP 750 GRAIN COPPER FRANGIBLE BREACHING ROUND, cost: \$5 per round, quantity: 12. (desired quantity 50). The

round is fired from a breaching shotgun and is used to destroy deadbolts, locks, and hinges

- v. ROYAL ARMS HP CUTTER 12 GAUGE HOLLOW POINT REBAR CUTTER BREACHING ROUND, cost: \$6 per round, quantity: 24. (desired quantity 50). The round is fired from a breaching shotgun and is used to cut rebar, penetrate security glass, car doors, and can penetrate engine blocks
- vi. ROYAL ARMS MB-70S 12 GAUGE MUZZLE BLAST FLASH BANG SOFT BREACHING ROUND, cost: \$6 per round, quantity: 29. (desired quantity 50). The round is fired from a breaching shotgun and is used as a diversionary round and can be used to break glass.

b. Purpose

To safely gain entry into a structure.

c. Authorized Use

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.

d. Lifespan

Breaching Shotgun- 25 years

Royal Arms Tesar-2 black cap 425 grain copper breaching round- 5 years

Royal Arms Tesar-4 yellow cap 750 grain copper frangible breaching round- 5 years

Royal Arms HP cutter 12-gauge hollow point rebar cutter breaching round- 5 years

Royal Arms MB-70S 12-gauge muzzle blast flash bang soft breaching round- 5 years

e. Fiscal Impact

Annual maintenance is approximately \$500.

f. Training

All officers who use explosive breaching tools shall attend 40 hours of explosive breaching instruction and must additionally receive quarterly training for explosive operations.

g. Legal and Procedural Rules

It is the policy of the KCSO to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.

II. ACQUISITIONS

For the following calendar year, the Department seeks to increase the present inventory of military equipment to the noted desired levels above. Thus, the Department seeks the Board of Supervisors' acquisition approval to make further purchases or in-kind replacements when stock of approved military equipment has reached significantly low levels, has been exhausted, has completed the viable life cycle, or has been rendered unusable. The Department also seeks the Board of Supervisors' approval to receive equipment having no initial cost to the Department, such as that which is acquired as a result of a court order or is gifted.

III. CONFIRMED NON-COMPLIANCE

The Kings County Sheriff's Office has no reportable instances of confirmed non-compliance with its

Military Equipment Use Policy to report to the Board of Supervisors.

IV. **JUSTIFICATION**

In order to ensure that the Department's military equipment provides the best value to meet the County's needs in comparison to alternatives, if any were available, and to achieve officer and civilian safety, the Department's past and future acquisitions of military equipment comply with the Kings County Purchasing Policy.

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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Published September 2008

Revised May 2019

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

-
- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
 - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - Definition of "hate crime" included from:
 - CPC 422.55
 - CPC 422.56
 - CPC 422.6
 - Title by title specific protocol regarding:
 - Prevention
 - Is contact is established with identified persons and/or communities who are likely targets?
 - Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - Response
 - Requirement that all hate crimes be properly investigated and supervised
 - Requirement that any hate crimes committed under the color of authority are investigated
 - Accessing Assistance
 - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - Victim assistance and follow-up
 - Reporting
 - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - Training
 - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - Does the checklist include first responder responsibilities include:
 - Determining the need for additional resources if necessary?
 - Referral information for appropriate community and legal services?
 - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - Information regarding bias motivation from CPC 422.87
 - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

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.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></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;"><u>Nature of Crime (Check all that apply):</u></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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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <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"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></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;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
-------------	--	---

	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></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>
--	--

HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></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>
----------------	--	--

WEAPONS	<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 ____

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
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<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: _____

MEDICAL		<u>Victim</u>	<u>Suspect</u>	
	<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
	Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Chart of conversion.pdf

Chart to convert Minutes to Tenths of an Hour

Minutes to be Reported	Tenth of Hour Reported	Minutes to be Reported	Tenth of Hour Reported	Minutes to be Reported	Tenth of Hour Reported
1 min.	0.0	21 min.	0.4	41 min.	0.7
2 min.	0.0	22 min.	0.4	42 min.	0.7
3 min.	0.1	23 min.	0.4	43 min.	0.7
4 min.	0.1	24 min.	0.4	44 min.	0.7
5 min.	0.1	25 min.	0.4	45 min.	0.8
6 min.	0.1	26 min.	0.4	46 min.	0.8
7 min.	0.1	27 min.	0.5	47 min.	0.8
8 min.	0.1	28 min.	0.5	48 min.	0.8
9 min.	0.2	29 min.	0.5	49 min.	0.8
10 min.	0.2	30 min.	0.5	50 min.	0.8
11 min.	0.2	31 min.	0.5	51 min.	0.9
12 min.	0.2	32 min.	0.5	52 min.	0.9
13 min.	0.2	33 min.	0.6	53 min.	0.9
14 min.	0.2	34 min.	0.6	54 min.	0.9
15 min.	0.3	35 min.	0.6	55 min.	0.9
16 min.	0.3	36 min.	0.6	56 min.	0.9
17 min.	0.3	37 min.	0.6	57 min.	1.0
18 min.	0.3	38 min.	0.6	58 min.	1.0
19 min.	0.3	39 min.	0.7	59 min.	1.0
20 min.	0.3	40 min.	0.7	60 min.	1.0

Supplemental Hate Crime Report.pdf

Hate incident (No Crime Committed)

Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

Individual

Legal name (Last, First):

Date of Birth	Age	Sex	Race

School, business or organization

Name: _____

Type: _____
 (e.g., non-profit, private, public school)

Faith-based organization

Name: _____

Faith: _____

Other

Name: _____

Type: _____

Address: _____

Date and time of incident:

Location of incident:

Date and time of report:

Location of report:

Agency Case #:

NATURE OF CALL FOR SERVICE (check all that apply)

Crime against persons

Crime against property

Gang activity

Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

Disability

Gender

Gender identity/expression

Sexual orientation

Race

Ethnicity

Nationality

Religion

Significant day of offense

(e.g., 9/11, holy days)

Association with a person or group with one or more of these characteristics (actual or perceived)

Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT

Actual bias [Victim has the indicated characteristic(s)].

Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

Yes No

Do you know what motivated the suspect to commit this crime?

Yes No

Do you feel you were targeted because you associated yourself with an individual or a group?

Yes No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

Yes No

Are there Indicators the suspect is affiliated with a criminal street gang?

Yes No

BIAS INDICATORS (CHECK ALL THAT APPLY):

Hate speech

Acts/gestures

Property damage

Symbol used

Written/electronic communication

Graffiti/spray paint

Other: _____

HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM			
Legal name (Last, First): _____				Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Names used (AKA): _____				Nature of relationship: _____			
Date of Birth	Age	Sex	Race	Length of relationship: _____			
				<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____			
Relationship to Victim: _____				Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

WEAPONS/FORCE

Weapon(s) used during incident? Yes No Type: _____

Force used during incident? Yes No Type: _____

EVIDENCE

Witnesses present during incident? Yes No Statements taken? Yes No

Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo/video <input type="checkbox"/> Known

RESOURCES

Resources offered at scene: Yes No

Marsy's Law Handout Hate Crimes Brochure Other: _____

MEDICAL

Victim	Suspect	
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by	Date
Name/Title/ID number	

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