

San Joaquin County Sheriff's Office

POLICIES

INTRODUCTION

The San Joaquin County Sheriff's Office is a professional public safety organization. As law enforcement professionals, we are all subject to a set of rules and regulations that are intended to guide our actions, behavior and conduct in the performance of our duties and responsibilities.

This policy and procedure manual contains those provisions that provide guidance and direction during the myriad activities carried out on a daily basis by members of this Office, whether as Deputy Sheriffs, Correctional Officers or civilian staff. Employees must make themselves familiar with all the provisions contained in this manual and with all other applicable policies that exist for employees of San Joaquin County and the Sheriff's Office.

Although these policies and procedures have been established to address most duty situations, there are times when a situation or incident may not be specifically addressed. In these situations you should be guided by the values established by this organization as well as by the Law Enforcement Code of Ethics and the principles embodied in the Constitution of the United States of America. Remember also that one of your greatest resources is the direction and advice of your immediate supervisor. Use your supervisor as a sounding board when resolving any conflict or misunderstanding with respect to these rules or any issue that relates to your duties and responsibilities as a professional member of this Office.

Bear in mind that each member of the San Joaquin County Sheriff's Office carries the responsibility to use sound reason, judgment and discretion in our efforts to provide the highest quality service to the community we serve.

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENTS

OPERATIONAL MISSION STATEMENT

The San Joaquin County Sheriff's Department is dedicated to delivering quality service through the creation of partnerships with the people we serve.

All members of this department will carry out their duties and responsibilities in such a manner as to afford dignity, respect, and compassion to every individual with whom they come in contact.

With community partnerships as our foundation, we are driven by goals to enhance the quality of life, investigating problems as well as incidents, seeking solutions, and fostering a sense of security in communities and individuals. We nurture public trust by holding ourselves to the highest standards of performance and ethics.

CUSTODY MISSION STATEMENT

The San Joaquin County Sheriff's Custody Division will promote safe, secure, and humane housing for pre-sentenced and sentenced inmates. Service to the general public and the Criminal Justice System will be of the highest quality.

Operation of the facilities will be consistent with the principles of direct supervision, will at all times meet Minimum Jail Standards as defined in Title 15 of the California Code of Regulations, and will insure the public safety. Programs and services will be made available to influence positive behavior with the intent to provide the opportunity for inmates to return to the community in equal or better condition both physically and psychologically than when received.

These goals will be met, in a cost effective manner while assuring staff of a productive, safe, and secure environment and providing them with the vision, leadership tools, and resources to fulfill this mission.

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.1.1 APPOINTING AUTHORITY

The Sheriff is the appointing authority for the Sheriff's Office. All employees derive their lawful authority and peace officer status through the holder of the Office of Sheriff.

The Sheriff may limit, suspend or revoke the authority of any employee.

100.2 PEACE OFFICER POWERS

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

100.2.1 CORRECTIONAL OFFICER AUTHORITY

Personnel of this department in the classification of Correctional Officer shall be considered public officers pursuant to Penal Code § 831. (a).

831.

- (a) A custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of a city or county who has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a local detention facility used for the detention of persons usually pending arraignment or upon court order either for their own safekeeping or for the specific purpose of serving a sentence therein.
 - (b) A custodial officer shall have no right to carry or possess firearms in the performance of his or her prescribed duties. A custodial officer may use a firearm that is a less lethal weapon, as defined in Section 16780, in the performance of his or her official duties, at the discretion of the employing sheriff or chief of police, as applicable, or his or her designee. A custodial officer who uses a less lethal weapon shall be trained in its use and shall comply with the policy on the use of less lethal weapons as set forth by the sheriff or chief of police.
 - (c) Each person described in this section as a custodial officer shall, within 90 days following the date of the initial assignment to the position, satisfactorily complete the training course specified in Section 832. In addition, each person designated as a custodial officer shall, within one year following the date of the initial assignment as a custodial officer, have satisfactorily met the minimum selection and training standards prescribed by the Board of Corrections pursuant to Section 6035. Persons designated as custodial officers, before the expiration of the 90-day and one-year periods described in this subdivision, who have not yet completed the required training, may perform the duties of a custodial officer only while under the direct supervision of a peace officer as described in Section 830.1, who has completed the training prescribed
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by the Commission on Peace Officer Standards and Training, or a custodial officer who has completed the training required in this section.

- (d) At any time 20 or more custodial officers are on duty, there shall be at least one peace officer, as described in Section 830.1, on duty at the same time to supervise the performance of the custodial officers.
- (e) This section shall not be construed to confer any authority upon any custodial officer except while on duty.
- (f) A custodial officer may use reasonable force in establishing and maintaining custody of persons delivered to him or her by a law enforcement officer; may make arrests for misdemeanors and felonies within the local detention facility pursuant to a duly issued warrant; may release without further criminal process persons arrested for intoxication; and may release misdemeanants on citation to appear in lieu of or after booking.

100.2.2 JURISDICTION

While this department recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department 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.

100.2.3 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SAN JOAQUIN COUNTY SHERIFF'S OFFICE

The arrest authority outside the jurisdiction of the San Joaquin 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 department except in cases of hot or fresh pursuit, while following up on crimes committed within the County or while assisting another agency.

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

100.2.4 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE SAN JOAQUIN COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the San Joaquin 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.

100.2.5 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.

100.2.6 OREGON AUTHORITY

Sworn personnel of this department 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.
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- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

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

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

100.3 CONSTITUTIONAL REQUIREMENTS

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

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).

Chief Executive Officer

102.1 PURPOSE AND SCOPE

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this 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.

102.1.2 SHERIFF CANDIDATE REQUIREMENTS

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

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.1.1 DEPUTY SHERIFF OATH

I do swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of Deputy Sheriff, in and for San Joaquin County, according to the best of my ability.

104.1.2 CORRECTIONAL OFFICER AFFIRMATION OF DUTIES

I do hereby affirm that I will support the constitution of the United States and the Constitution of the State of California. And that I will faithfully discharge the duties of Correctional Officer in and for the County of San Joaquin, according to the best of my ability.

104.1.3 SHERIFF'S CADET AFFIRMATION OF DUTIES

I do hereby affirm that I will support the constitution of the United States and the Constitution of the State of California. And that I will faithfully discharge the duties of Sheriff's Cadet in and for the County of San Joaquin, according to the best of my ability.

104.2 POLICY

It is the policy of the San Joaquin 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.

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

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

Policy Manual

106.1 PURPOSE AND SCOPE

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

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

106.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Sheriff. Since it is not practical for the Sheriff to prepare and maintain the manual, the following delegations have been made:

106.2.1 SHERIFF

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue 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.

106.2.2 STAFF

Staff shall consist of the following:

- Sheriff
- Undersheriff
- Assistant Sheriffs
- Sheriff's Captains

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

106.2.3 OTHER PERSONNEL

All employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Captain who will consider the recommendation and forward through the chain of command to the Sheriff.

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Policy Manual

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Interim Directives may be abbreviated as "ID"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

106.3.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CHP - The California Highway Patrol.

C.F.R. - Code of Federal Regulations.

Correctional Officer - Those employees, regardless of rank, who are assigned to maintain custody of prisoners and perform tasks related to the operation of the jail facilities.

County - The County of San Joaquin.

Department /Agency/Office/SJSO - The San Joaquin County Sheriff's Office.

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the department.

Juvenile - Any person under the age of 18 years.

Manual - The San Joaquin County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed by the or appointed by the San Joaquin County Sheriff's Office including sworn deputies, correctional officers, reserve deputies, civilian employees and volunteers.

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

Deputy/Sworn - Those employees, regardless of rank, who are sworn employees of the San Joaquin County Sheriff's Office.

On-Duty - Employee 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.

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Rank - The job classification title held by an employee.

Shall or will - Indicates a mandatory action.

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

U.S.C. - United States Code

106.3.3 DISTRIBUTION OF MANUAL

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

- Sheriff's Administration
- Division Captains
- Personnel & Training

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

106.4 DEFINITIONS

As a condition of employment, all employees are required to read and obtain necessary clarification of these policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy, or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.

106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. The Captain of Professional Standards Division will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

Division Captains and Civilian Managers will ensure that employees under their command are aware of any Policy Manual revisions.

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

- Custody Division
- Investigations Division
- Lathrop Police Services
- Metropolitan Narcotics Task Force
- Patrol Division
- Professional Standards Division
- Unified Court Services

200.2.1 SHERIFF'S ADMINISTRATION

The Sheriff's Administration is composed of the elected Sheriff-Coroner-Public Administrator, Undersheriff, Assistant Sheriff of Custody, Assistant Sheriff of Support Services, and Assistant Sheriff of Operations whose responsibility it is to provide management, direction and control for the agency. The Administration also includes the Records Division, Internal Affairs Unit, Property/Evidence Room and Management Services.

200.2.2 CUSTODY DIVISION

The Custody Division, at the direction of the Sheriff, is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Custody Division. The Custody Division consists of the Honor Farm, South Jail, Jail Core, Work, Programs, Community Corps, Transportation Unit, Hospital Security and the Distribution Center.

200.2.3 INVESTIGATIONS DIVISION

The Investigations Division, at the direction of the Sheriff, is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Investigations Division. The Investigation Division consists of the following units: Crimes Against Persons/Robbery-Homicide, Child Abuse Sexual Assault, 290 PC tracking and enforcement, Elder Abuse Investigations, Property, Agricultural Crimes, Hi-Tech Crimes Unit, Coroners Investigations, Public Administrator, and Technical Services.

200.2.4 LATHROP POLICE SERVICES

Lathrop Police Services Division, at the direction of the Sheriff, is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the City of Lathrop. The Sheriff's Office provides police services for the City of Lathrop pursuant to a

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contractual agreement with the Board of Supervisors. Lathrop Police Services provides traffic enforcement, criminal investigations, patrol and is responsible for formulating and presenting a separate budget to the Lathrop City Council.

200.2.5 METROPOLITAN NARCOTICS TASK FORCE

The Metropolitan Narcotics Task Force, at the direction of the Sheriff, is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Metropolitan Narcotics Task Force. This multi-agency Task Force consisting of law enforcement agents from local, state and federal agencies is responsible for the suppression of illegal narcotics activity. This includes working with DCESP (Domestic Cannabis Eradication Suppression Program), HSI/DHS (Homeland Security Investigations/Department of Homeland Security), HIDTA (High Intensity Drug Trafficking Area), DEA (Drug Enforcement Agency) and local agencies. This Division is provided oversight by the METRO Task Force Advisory Council.

200.2.6 PATROL DIVISION

The Patrol Division, at the direction of the Sheriff, is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Patrol Division consists of Uniformed Patrol and Special Operations, which includes: Auto Theft Task Force, Boating Safety Unit, Communications Center, Explosives Ordinance Detail, K-9 Unit, Off Highway Vehicle Enforcement, SWAT/HNT, Towed/Stored Vehicles, Telephone Report Unit, Safe Neighborhoods Team, Police Patrol Services, STARS Volunteers, County Parks Enforcement, Abatement, Animal Services, School Resource Officers and Community Car Program.

200.2.7 PROFESSIONAL STANDARDS DIVISION

Professional Standards Division, at the direction of the Sheriff, is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the Professional Standards Division. This includes the specific personnel services of recruiting applicants, conducting applicant background investigations, and security checks for non-Sheriff's Office employees who have site access. This Unit is also responsible for providing training to department staff and maintaining training records. This Unit runs the Correctional Officer Academy, the Cadet Program, and processes all CCW requests and renewals.

200.2.8 UNIFIED COURT SERVICES

The Unified Court Services Division, at the direction of the Sheriff, is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Unified Courts of San Joaquin County in conjunction with the Presiding Judge and Court Executive Officer. This Division consists of Deputy Sheriffs and Correctional Officers providing safety and security for the Unified Courts throughout San Joaquin County. The Captain of this Division is also responsible for oversight of the Civil Division that services civil processes within San Joaquin County.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

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Organizational Structure and Responsibility

(a) Should the Undersheriff be unavailable the order of command authority is as follows:

1. The Assistant Sheriff of Operations
2. The Assistant Sheriff of Support Services
3. The Patrol Division Captain
4. The Investigations Division Captain
5. The Unified Court Services Division Captain
6. The Metro Narcotics Task Force Captain
7. The Professional Standards Division Captain

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Office. Included in unity of command is staff authority (e.g. any ranking officer, regardless of job classification, is granted staff authority to give direction and issue orders to subordinate employees regardless of job classifications). 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, special assignment, or under any emergency management system deployment (e.g., NIMS, SEMS, ICS, K-9, SWAT, etc.), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

All Sheriff's Office employees/volunteers shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.4 CHAIN OF COMMAND/OPEN DOOR POLICY

The Sheriff and all command staff operate under an "open door" policy. This policy is meant to provide access to executive command staff to promote communication, presentation of ideas, rumor control, or as a forum for discussion on personal issues/concerns. Any staff member may schedule a meeting outside of the chain of command after notification to their immediate supervisor of the intent to do so. If the nature of this meeting involves your immediate supervisor or is of a confidential nature involving that supervisor the notification is not required.

However, under normal operations, (e.g. requests for time off, schedule change requests, transfers, training requests, etc.) should be handled through the established chain of command.

Training Bulletin

204.1 PURPOSE AND SCOPE

Training Bulletins establish an interdepartmental communication that may be used by the sheriff, and will be consistent with the current Memorandum of Understanding and as permitted by Government Code 3500 et seq. Training Bulletins shall not supersede sections of this manual or MOU to which they pertain.

204.1.1 TRAINING BULLETIN

The Administrative Lieutenant in each respective division, will maintain and update all Training Bulletins.

204.2 RESPONSIBILITIES

204.2.1 STAFF

The staff shall review and approve revisions of the Training Bulletins which will incorporate changes originally made by the Training Bulletin.

204.2.2 SHERIFF

The Sheriff or his designee shall issue all Training Bulletins.

Training Policy

208.1 PURPOSE AND SCOPE

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

208.2 PHILOSOPHY

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

208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of criminal justice services provided to the public
- (b) Increase the technical expertise and overall effectiveness of our personnel
- (c) Provide for continued professional development of department personnel

208.4 TRAINING PLAN

The Captain of Professional Standards shall be responsible to develop, maintain, review, and update the training plans on an annual basis. These plans will address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

208.5 TRAINING NEEDS ASSESSMENT

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

208.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by the supervisor who scheduled the training. Excused absences from mandatory training should be limited to the following:
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Training Policy

1. Court appearances
 2. Pre-scheduled vacation
 3. Sick leave
 4. Physical limitations preventing the employee's participation.
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify the scheduling supervisor as soon as possible but no later than one day prior to the start of training. In the case of sudden onset of illness, the employee shall make notification as soon as possible.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the schedule coordinator to attend the required training on an alternate date.

208.7 TRAINING REQUIREMENTS

All sworn personnel shall review at least bi-annually the following policies:

1. 300 Use of Force
2. 314 Vehicle Pursuits
3. 316 Deputy Response to Calls
4. 328 Discriminatory Harassment
5. 338 Hate Crimes
6. 393 Injury and Illness Prevention (IIPP)
7. 402 Bias-Based Policing
8. 447 Body Worn Camera System
9. 448 Mobile Data Computer Use
10. 916 Communicable Diseases

All non sworn personnel shall review at least bi-annually the following policies:

1. 328 Discriminatory Harassment
2. 393 Injury and Illness Prevention (IIPP)
3. 916 Communicable Diseases

The immediate supervisor will ensure that all training requirements have been met during the calendar year.

Scheduling Conference Rooms

209.1 POLICY

Each division will be responsible for scheduling the use of any conference rooms in their assigned area. This will be accomplished by assignment of a contact person within the division who will ensure room availability and scheduling.

209.2 PROFESSIONAL STANDARDS CONFERENCE ROOMS

The Sheriff's Professional Standards Division will be responsible for scheduling the use of the following rooms:

- (a) Classroom I
- (b) Classroom II
- (c) Conference Room E
- (d) Multi-Purpose Room

Any use of the interview rooms shall first be authorized and then scheduled by the Professional Standards Sergeant.

209.2.1 CLASSROOMS I & II, CONFERENCE ROOM E, AND MULTI-PURPOSE ROOM

- (a) The Sheriff's Professional Standards office staff will be responsible for maintaining a log book and for coordinating the use of these rooms.
- (b) Anyone wishing to reserve a room will contact the front desk staff. If the Professional Standards office staff is not available, other Professional Standards staff can assist.
- (c) Scheduling is on a first come/first serve basis.
- (d) Departmental training will take precedence over other requests.
- (e) A limited amount of audio and video equipment is also available to be reserved at the same time as the rooms.

209.2.2 INTERVIEW ROOMS

- (a) The primary purpose of the interview rooms is for the screening of prospective Sheriff's Office employees. The major user of the rooms will be the Professional Standards Division.
 - 1. The secondary purpose of the rooms is for criminal investigation.
 - 2. Other uses may occasionally occur. Use by other divisions and/or agencies will have to be prescheduled.
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Scheduling Conference Rooms

- (b) Anyone wishing to use a interview room shall contact the Professional Standards Sergeant for an available date and time.
- (c) Although every effort will be made to accommodate the needs of others in regards to the use of the interview rooms, the needs of the Professional Standards Division shall take precedence.

209.3 PATROL DIVISION CONFERENCE ROOMS

The Patrol Division is responsible for the following conference rooms: Briefing room (can be divided into two rooms), and Conference room "C" (Patrol EOC).

- (a) The Patrol Division Office Assistant will be responsible for maintaining a log book and for coordinating the use of the rooms.
- (b) Anyone wishing to use the rooms will contact the Patrol Division Office Assistant. If the office assistant is unavailable, other staff can assist.
- (c) Scheduling is on a first come/first serve basis.

209.4 CUSTODY CONFERENCE ROOMS

The Custody Division is responsible for the following rooms: Conference room "K" and Conference room "J".

- (a) The Custody Division Office Assistant will be responsible for maintaining a log book and for coordinating the use of the rooms.
- (b) Anyone wishing to use the rooms will contact the Custody Division Office Assistant. If the office assistant is unavailable, other staff can assist.
- (c) Scheduling is on a first come/first serve basis.

209.5 SHERIFF'S ADMINISTRATION CONFERENCE ROOMS

The Sheriff's Administration is responsible for Conference Rooms "L" and "M".

- (a) The Sheriff's Administrative Assistant will be responsible for maintaining a log book and for coordinating the use of the rooms.
 - (b) Anyone wishing to use the rooms will contact the Sheriff's Administrative Assistant. If the administrative assistant is unavailable, other staff can assist.
 - (c) Scheduling is on a first come/first serve basis.
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Electronic Mail

212.1 PURPOSE AND SCOPE

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

212.2 E-MAIL RIGHT OF PRIVACY

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

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

Employees should not use personal private accounts to exchange e-mail or other information that is related to the official business of the department.

212.3 PROHIBITED USE OF E-MAIL

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

E-mail messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Sheriff or the appointed designee. Personal advertisements are not acceptable.

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

E-mail shall not be used for any purpose that violates the San Joaquin County Sheriff's Office Policy Manual or is in violation of any other agency policy or other San Joaquin County policy.

212.4 MANAGEMENT OF E-MAIL

The e-mail system is not designed for long-term retention of messages. E-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another

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Electronic Mail

database. Users of e-mail are responsible for the management of their mailboxes. Messages should be periodically purged by the user. Mailboxes not managed by the assigned user will be managed by the Agency.

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 MEMORANDUMS

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

214.3 CORRESPONDENCE

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

214.4 SURVEYS

All surveys made in the name of the Agency shall be authorized by the Sheriff or assigned designee.

Driver's License Confidentiality

219.1 POLICY

All members of the San Joaquin County Sheriff's Office whose official job specifications require a valid California driver's license shall maintain a valid California driver's license at all times.

Agency members whose job specifications require a driver's license other than the standard Class "C" license shall maintain a valid issuance of that special class California driver's license.

Employees of the San Joaquin County Sheriff's Office shall not maintain a California driver's license which lists or makes reference to the San Joaquin County Sheriff's Office, unless that listing or reference is in compliance with the confidentiality provisions of Section 1808.4 of the California Vehicle Code.

219.2 LAW

- (a) California Vehicle Code Section 12800 requires, among other things, that all driver's license applicants list their true mailing address and residence address on their license.
- (b) California Vehicle Code Section 1808.4(9) allows non-sworn police dispatchers to request confidentiality of home address information on all DMV records.
- (c) California Vehicle Code Section 1808.4(11) allows active or retired peace officers as defined in Chapter 4.5 (commencing with 830) of Title 3 of Part 2 of the Penal Code to request confidentiality of home address information on all DMV records.
- (d) California Vehicle Code Section 1808.4a(13) allows confidentiality of home address information to non-sworn employees of a county sheriff's department who submit agency verification that in the normal course of their employment they control or supervise inmates or are required to have a prisoner in their care or custody to request confidentiality of home address information on all DMV records.
- (e) California Vehicle Code Section 1808.4a(20) allows the spouse or child of any of the above employees to request confidentiality of home address information in all DMV records, regardless of the spouse's or child's place of residence.

219.3 PROCEDURE

- (a) Suspension or Revocation of Driver's License
 - 1. All employees required or called upon to operate a motor vehicle in the performance of their duties shall immediately report to their supervisor when driver's license privileges are suspended or revoked.
 - (b) Confidentiality of Home Address
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Driver's License Confidentiality

1. California Vehicle Code Section 1808.4 provides for the confidentiality of the home address for vehicle registration only of certain persons in certain public professions if the confidentiality is requested by the person. Members of this agency who would qualify for this confidentiality privilege are:
 - (a) Active or retired peace officers.
 - (b) Non-sworn police dispatchers.
 - (c) Non-sworn employees of a county sheriff's office who submit agency verification that in the normal course of their employment they control or supervise inmates or are required to have a prisoner in their care or custody.
 - (d) The spouse or children of those listed above, regardless of the spouse or child's place of residence.
2. Department members who meet the above criteria, their spouses and children, living at home or not, who wish to maintain confidentiality of home address for vehicle registration only may do so by completing DMV Form 57 (refer 1808.4 CVC). The qualifying employee must submit the form. These forms are to be obtained through Patrol who initiate, monitor, and verify the process.
 - (c) DMV Form 138, "Notice of Release of Liability", shall be immediately filed with the Department of Motor Vehicles if vehicle ownership changes (to insure that the confidentiality privilege is removed).
 - (d) A new confidentiality form must be filed in the event of an address change. Also, DMV must be notified within thirty (30) days in event of an address change regarding the driver's license address.

219.4 SEPARATION FROM EMPLOYMENT

Employees who request confidentiality through the DMV will have the yellow portion of the two part form "REQUEST FOR CONFIDENTIALITY OF HOME ADDRESS" placed into their Department Personnel File. Upon separation from employment the yellow copy will be forwarded to the DMV Confidential Records Unit to suspense for removal of confidentiality. The DMV will maintain confidentiality for three years after separation from service, then confidentiality will be removed.

If the yellow copy of the "REQUEST FOR CONFIDENTIALITY OF HOME ADDRESS" form cannot be located for an employee, the department may complete a new form with the relevant information and submit to the DMV Confidential Records Unit. This will be treated in the same manner as the yellow copy of the two part form.

Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

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

220.2 QUALIFIED RETIREES

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

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

220.2.1 QUALIFIED RETIREES FROM OTHER AGENCIES

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

- (a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- (b) This department is in possession of the retiree's complete personnel records or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

220.2.2 QUALIFIED RETIRED RESERVES

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

220.3 LEOSA

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

- (a) Separated from service in good standing from this department 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 department.
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- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department 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.
- (f) Qualifies annually with the authorized firearm at a course approved by this agency at the retired deputy's expense.

220.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn deputy of this department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a 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).

220.5 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired deputy shall be two inches by three inches and minimally contain the following (Penal Code § 25460(c)):

- (a) Photograph of the retiree.
- (b) Retiree's name and date of birth.
- (c) Date of retirement.
- (d) Name and address of this department.
- (e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed (not more than five years). In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege".
- (f) If applicable, a notation that "This person is in compliance with 18 USC § 926C(d)(1)."

220.6 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT

The CCW endorsement under Penal Code § 25470 for any deputy retired from this department may be denied or permanently revoked only upon a showing of good cause. Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d). The CCW endorsement may be immediately and temporarily revoked by the Watch Commander

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when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

- (a) In the event that a CCW endorsement is initially denied, the retired deputy shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the department 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(d)).
 - 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) The hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the department, 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 department 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 department will then reissue a new identification card which shall be stamped "No CCW Privilege".

220.6.1 WATCH COMMANDER RESPONSIBILITY

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

- (a) Take appropriate steps to promptly look into the matter.
 - (b) If warranted, contact the retiree in person and advise him/her in writing of the following:
 - 1. The retiree's CCW endorsement is immediately and temporarily revoked.
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2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
 3. The retiree will forfeit his/ her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
- (c) A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.
 - (d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a peace officer of that agency act as the department's agent to deliver the written notification.
 - (e) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 - (f) The Watch Commander should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.
-

Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

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.

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.

The department 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 deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably

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

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

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 tools, weapons or methods provided by the department. 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 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 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 (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. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
 - (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
 - (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 effects of drugs or alcohol.
 - (e) Subject's mental state or capacity.
 - (f) Proximity of weapons or dangerous improvised devices.
 - (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
 - (h) The availability of other options and their possible effectiveness.
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- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy.
- (k) Potential for injury to deputies, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed department-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 or correctional officer.
- (c) Whether the person has been given sufficient opportunity to comply.
- (d) The potential for injury to the deputy, correctional officer or others if the technique is not used.
- (e) The potential risk of serious injury to the individual being controlled.

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

300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

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- (a) The deputy shall have successfully completed department-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 - 1. The subject is violent or physically resisting.
 - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm deputies, him/herself or others.
- (c) The application of a carotid control hold on the following 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 applying a carotid control hold:
 - 1. Females who are known to be pregnant
 - 2. Elderly individuals
 - 3. Obvious juveniles
 - 4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

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

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restricted. Deputies are encouraged to use techniques and methods taught by the San Joaquin County Sheriff's Office for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes any of the following:

- 1. 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 deputy or another.
- 2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the 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.

300.5 REPORTING THE USE OF FORCE

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 deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the department may require the completion of additional report forms, as specified in department policy, procedure or law.

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300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

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

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 Division policy.

300.6 MEDICAL CONSIDERATION

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 he/she can be medically assessed.

Based upon the employee'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 employee 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 not available, the primary handling employee 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 employee reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple employee to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Employee who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies or correctional officers.
- (b) Ensure that any injured parties are examined and treated.
- (c) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
- (d) Review and approve all use of force reporting forms in the event that the supervisor believes that the incident may give rise to potential civil litigation, a memo detailing the circumstances will be routed to the Division Captain.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

In the event that a supervisor does not 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 and to address any training issues.

Workplace Violence Security Requests

301.1 PURPOSE AND SCOPE

To ensure that any request for a deputy sheriff for security purposes by another county agency or any entity is properly and thoroughly evaluated so as to establish whether or not the presence of a deputy sheriff is lawful, warranted and appropriate. Often times the signs or signals of workplace violence are overlooked and there may be circumstances where providing a deputy sheriff for security is appropriate. However, there are also other circumstances where the presence of a deputy sheriff is undoubtedly unwarranted and inappropriate. Whether the request is ultimately approved or denied, please refer to the below additional information section for steps to be taken regarding the request which shall be followed.

301.2 POLICY

The below steps will be followed in receiving and evaluating requests for security staffing due to actual, perceived or the potential of workplace violence. Any request for security staffing will only be considered when it is made in writing. Upon initial request, the request shall be forwarded to an available lieutenant within the Patrol Division for initial information gathering and evaluation.

The lieutenant shall evaluate the initial request so as to determine if there is enough information to indicate a credible threat of violence has been made or the belief of potential violence is substantiated. Additionally, should action regarding an immediate criminal investigation be appropriate, the assigned lieutenant shall ensure those appropriate actions are taken as soon as possible. Any criminal investigation will be conducted consistent with current law, department policy and in the best interest of the safety for all involved parties.

The lieutenant will also inquire with the requesting party whether or not any steps or actions have been taken by the requesting agency regarding mitigating or precluding any acts of violence, and if so, those steps or actions should be noted.

Once all information is collected the request will be forwarded to the Operations Assistant Sheriff. The Assistant Sheriff will ensure all necessary information is present for submission to the Undersheriff, who will have ultimate say as to approval or denial of the request. Additionally, should it be appropriate based on the totality of the circumstances, the Undersheriff may report the situation to the Director of Human Resources if in his or her belief the San Joaquin Threat Assessment Team (STAT) is required pursuant sub-section 2589 of the County Administrative Manual.

Requests which stem from unsubstantiated concerns where no actual threat was made will be denied. Requests which are simply based on a perceived unpleasant personnel meeting where the substance of the meeting surrounds employee performance, discipline or even termination in and of themselves are not grounds for the presence of a deputy sheriff.

Should a request be approved, the assigned lieutenant will determine the appropriate numbers of staff to attend the meeting and ensure all deputies are fully briefed on the nature of the

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request, circumstances surrounding their presence and their roles and responsibilities while on the assignment.

Shooting Review Board

302.1 PURPOSE AND SCOPE

The San Joaquin County Sheriff's Office will thoroughly investigate all firearms discharges involving members of this agency. This order establishes procedures regarding the reporting and investigating of officer involved shootings, on or off duty.

The San Joaquin County Sheriff's Office will adhere to the procedures contained in the San Joaquin County Officer Involved Critical Incident Protocol when injury or death occurs as a result of the officer involved shooting.

302.2 POLICY

The Board's purpose is to serve as an advisory unit to the Sheriff. It is charged with the responsibility of examining all shooting incidents - on or off duty, intentional or accidental. The Board will constructively critique each shooting incident and make recommendations to the Sheriff. The Board will not have the authority to invoke disciplinary action.

Should a Board member be absent when the Board convenes, the Sheriff may appoint an alternate who will serve until that particular investigation is complete.

302.2.1 COMPOSITION OF THE BOARD

The Shooting Review Board shall be comprised of the following persons:

- Captain, Patrol Division (Chairman)
- Lieutenant of Professional Standards
- Sergeant from Investigations Division
- Two (2) employees at the rank of Deputy Sheriff II from Patrol Division

The chairperson will convene the Shooting Review Board as necessary. The Professional Standards Administrative Lieutenant will ensure that all relevant reports, documents, and materials are available for consideration and review by the Board.

302.2.2 RESPONSIBILITIES OF THE BOARD

The Shooting Review Board is empowered to conduct an administrative review of the circumstances of an incident. The Board membership may request further investigation, call persons to present information, and may request that the involved employees appear before the Board. The involved employees will be notified of the meeting of the Board and may be represented by legal counsel and/or other representation through all phases of the review process.

Absent an expressed waiver from the employee, no more than two members of the Board may ask questions of the involved employee.

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If it appears that the actions of the employee(s) may result in criminal charges or disciplinary action by the department, the Board will conduct the interviews in accordance with department disciplinary procedures. The Board does not have the authority to recommend discipline. The Board shall make a finding and such finding will be limited to one of the following:

- (a) The employee's actions were within department policy and procedures.
- (b) The employee's actions were not within department policy and procedure.
- (c) In the event an officer is the victim of a Use of Force, the Shooting Review Board shall conduct a training critique of the incident. Following the critique the Shooting Review Board may make recommendations, however no classification shall result (as indicated in 'a' and 'b' above).

A finding will be the consensus of the Board. After the board has concluded, the board chairman will submit written findings of the board to the Sheriff. After review by the Sheriff, a copy of the findings will be forwarded to the involved employee's Division Captain for review and appropriate action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Sheriff.

Once the Board has reached its specific finding, the Lieutenant of Professional Standards Division may convene the separate training committee to address training needs and recommendations for this department without specific reference to the facts of the incident considered by the Board.

Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

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

306.3 USE OF RESTRAINTS

Only members who have successfully completed San Joaquin 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.

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual 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 assure 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.

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No person who is in labor, delivery or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

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

In addition to the above, restraints shall be removed from a pregnant inmate when a professional who is currently responsible for the medical emergency, labor, delivery, or recovery after delivery determines that the removal is medically necessary.

Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates, including, the relevant regulations, and the correctional facility policies.

306.3.3 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.

306.3.4 NOTIFICATIONS

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Deputies should avoid commingling individuals wearing spit hoods with other detainees.

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

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

306.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the department 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 suspect.
 - (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, 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 unit).
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306.7.1 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.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

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

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

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

308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to Deputies, Correctional Officers and suspects, the department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to officers and suspects. The below procedures are for the use and maintenance of control devices (e.g., baton, oleoresin capsicum (OC) spray and tear gas). Only those control devices that have been approved by the Sheriff or his/her designee are authorized to be carried by members of this department.

308.1.1 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved control device may only be used when its use appears reasonable under the circumstances.

308.1.2 REVIEW, INSPECTION AND APPROVAL

Personnel should periodically inspect any issued control device and notify their supervisor of deficiencies. Any deficient control device will be replaced.

308.1.3 TRAINING FOR CONTROL DEVICES

- (a) Only Deputies and Correctional Officers trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.
- (b) Training for all control devices will occur as required by P.O.S.T and/or STC.
- (c) All training and proficiency for control devices will be documented in the Deputy or Correctional Officer's training file.
- (d) Deputies and Correctional Officers failing to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force policy will be provided remedial training. If, after two additional attempts, an officer still cannot demonstrate proficiency with a weapon or knowledge of this agency's Use of Force policy, the officer may be subject to suspension of peace officer status and/or discipline.

308.2 POLICY

The baton is authorized for use when, based upon the circumstances perceived by the Deputy or Correctional Officer, such force reasonably appears justified and necessary to result in the safe control of the suspect.

The need to immediately incapacitate the 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/Correctional Officer reasonably believes the suspect may cause serious bodily injury or death to the Deputy/Correctional Officer or others.

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308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

The use of tear gas for crowd control, crowd dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander, Incident Commander, Critical Response Team Commander or CERT Commander may authorize the delivery and use of tear gas, evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary to result in the safe control of the suspect(s). When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only personnel trained in the use of tear gas weapons should discharge such devices at the scene.

308.4 RESPONSIBILITIES

Only authorized personnel may possess and maintain department issued chemical agents. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

308.4.1 WATCH COMMANDER RESPONSIBILITIES

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

308.4.2 RANGEMASTER RESPONSIBILITIES

Uniformed field personnel carrying the oleoresin capsicum spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry the oleoresin capsicum spray as authorized, consistent 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 Patrol Administrative Lieutenant or designee for exchange.

308.4.3 USER RESPONSIBILITIES

Pepper projectiles are plastic spheres that are filled with a derivative of oleoresin capsicum (OC) powder. A compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. The potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel deploying a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the individual may cause serious bodily injury or death to the officer or others. The use of a pepper projectile system is subject to the following requirements:

- (a) Deputies/Correctional Officers encountering a situation that requires the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system deployments where the suspect has been
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hit. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

- (b) Only personnel certified as having completed department-approved training on the use of pepper projectile systems shall be allowed to deploy and use pepper projectile systems.
- (c) Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented. Only non-incident deployments, such as training and product demonstrations, are exempt from the reporting requirement.

308.4.4 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been affected by the use of chemical agents should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be afforded a medical examination by medical personnel.

308.4.5 REPORT OF USE

All uses of chemical agents shall be documented in the appropriate reports as required by Section 300 Use of Force Policy.

308.5 IMPACT WEAPONS AND EXTENDED RANGE IMPACT WEAPONS

This department is committed to reducing the potential for violent confrontations when suspects are encountered. Kinetic energy projectiles are approved by the department and when used properly are less likely to result in death or serious physical injury.

308.5.1 DEPLOYMENT

Approved munitions are justified and may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving the situation at hand.

Deputies or Correctional Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy(s)/correctional officers determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and staff takes priority over the safety of subjects engaged in criminal or suicidal behavior.

308.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions
 - (b) Has made credible threats to harm himself or others and/or other methods of gaining control or compliance have failed
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- (c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or deputies/correctional officers

308.5.3 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the following factors should be considered:

- (a) Severity of the crime or incident.
- (b) Subject's capability to pose an imminent threat to the safety of deputies/correctional officers or others.
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight.
- (d) The credibility of the subject's threat as evaluated by the deputies/correctional officers present, and physical capacity/capability.
- (e) The proximity of weapons available to the subject.
- (f) The deputy's/correctional officer's versus the subject's physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of deputy(s) versus subject(s).
- (g) The availability of other force options and their possible effectiveness.
- (h) Distance and angle to target.
- (i) Type of munitions employed.
- (j) Type and thickness of subject's clothing.
- (k) The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

308.5.4 DEPLOYMENT DISTANCES

Deputies/correctional officers should keep in mind the manufacturer's recommendations regarding deployment when using control devices, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

308.5.5 SHOT PLACEMENT

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 when deadly force is not reasonably justified.

Deputies/correctional officers should generally follow the manufacturer's recommendations regarding minimum deployment distances and target areas however any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death and other reasonable methods have failed or reasonably appear ineffective.

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308.5.6 APPROVED MUNITIONS

Only department approved kinetic energy munitions shall be carried and deployed.

308.5.7 KINETIC ENERGY PROJECTILES STORAGE

A specially marked shotgun, designated for the use of 12-gauge projectiles, will normally be carried in the trunk of each supervisor unit and in other designated units.

Deputies operating units equipped with these weapons shall inspect them to ensure they are unloaded and operational at the beginning of each shift. This shotgun is only loaded with approved projectiles immediately prior to deployment.

308.5.8 TRANSITIONAL LOADING PROCEDURES

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 achieved by having a second deputy watch the loading process to ensure that the weapon is completely emptied of conventional ammunition.

308.5.9 USE OF KINETIC ENERGY PROJECTILES BY SWAT

Deputies assigned to the Crisis Response Team, who have completed a departmental training course may carry and employ 12 gauge or 37/40 mm projectiles while on duty or while performing Special Weapons and Tactics (SWAT) missions.

308.5.10 TRAINING REQUIRED FOR USE

Personnel who have successfully completed an approved departmental training course shall be authorized to use kinetic energy projectiles.

308.6 TEAR GAS GUIDELINES

308.6.1 SUPERVISORY RESPONSIBILITIES

The Duty Sergeant shall monitor the use of control devices in the same manner as all other use of force incidents.

- (a) The Duty Sergeant may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training. The request for a control device should be made through the Duty Sergeant.
 - (b) The Duty Sergeant will ensure the department "Use of Force Form" is completed and routed to the Patrol Administrative Lieutenant.
 - (c) The Watch Commander shall review each use of control devices by any personnel within his or her command.
 - (d) The Professional Standards Division Captain shall ensure training on the use of control devices is provided as needed.
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308.6.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster/Armorer or designee shall control the inventory and shall issue all control devices. The Rangemaster/Armorer or designee will perform all maintenance on the control devices. All damaged, inoperative and/or expended control devices shall be returned to the Rangemaster/Armorer or designee for disposition, repair or replacement.

308.6.3 USER RESPONSIBILITY

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

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual § 300.4 and 300.5.

TASER™ Guidelines

309.1 PURPOSE AND SCOPE

The TASER™ device is intended to control a violent or potentially violent individual while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

309.2 POLICY

Personnel who have completed department-approved training may be issued the TASER for use during their current assignment. Personnel leaving a particular assignment may be expected to return it to the department's inventory.

Deputies shall only use the TASER and cartridges that have been issued by the department. Uniformed deputies, when required to wear their full duty belt, who have been issued the TASER shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the TASER in the driver's compartment of their vehicle, out of plain view. The TASER should not be left unattended in the driver's compartment of a vehicle for an extended period.

When the TASER is carried as part of a uniformed deputy's equipment, the TASER shall be carried on the side opposite the duty weapon.

- (a) All TASERs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, deputies should carry a total of two or more TASER cartridges on their person when carrying the TASER.
- (c) Deputies shall be responsible for ensuring that their issued TASER is properly maintained and in good working order at all times.
- (d) Deputies should never hold both a firearm and the TASER at the same time.

309.3 ISSUANCE AND CARRYING TASER DEVICES

A verbal warning of the intended use of the TASER should precede its application, unless it would otherwise endanger the safety of deputies/correctional officers or when it is not practicable due to the circumstances. The purpose of the warning is for the following:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
 - (b) Provide other deputies/correctional officers and individuals with a warning that a TASER may be deployed.
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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 and/or other warning was given, or the reasons it was not given, shall be documented by the deputy/correctional officer deploying the TASER in the related report.

309.4 VERBAL AND VISUAL WARNINGS

As with any law enforcement equipment, the TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the TASER. Although the TASER is generally effective in controlling most individuals, deputies/correctional officers should be alert to the potential for failure and be prepared with other options.

309.4.1 FACTORS TO DETERMINE REASONABLENESS OF FORCE

The application of the TASER is likely to cause intense, but momentary, pain. As such, deputies/correctional officers should carefully consider and balance the totality of circumstances available prior to using the TASER including, but not limited to, the following factors:

- (a) The conduct of the individual being confronted (as reasonably perceived by the deputy/correctional officer at the time).
- (b) Officer/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of officer(s) vs. subject(s)).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the deputy/correctional officer under the circumstances).
- (g) Seriousness of the suspected offense or the reason for contact with the individual.
- (h) Training and experience of the deputy/correctional officer.
- (i) Potential for injury to citizens, staff and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

309.4.2 USE OF THE TASER

Authorized personnel may use the TASER when circumstances known to the deputy/correctional officer at the time indicate that such application is reasonable to control a person in any of the following circumstances:

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- (a) A violent or physically resisting subject.
- (b) A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm staff, him/herself or others.
 - 1. When practicable, the deputy/correctional officer should give a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply.
 - 2. The deputy/correctional officer must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the deputy/correctional officer, the subject or others.

309.4.3 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the deputy/correctional officer, the subject or others, and the deputy/correctional officer reasonably believes that the need to control the individual outweighs the risk of using the TASER:

- (a) Pregnant females.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals who are handcuffed or otherwise restrained.
- (d) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any flammable material.
- (e) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER in the drive-stun mode (i.e., direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.

309.4.4 TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the deputy/correctional officer to limit the application of the TASER darts to a precise target area. As such, deputies/correctional officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

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309.4.5 MULTIPLE APPLICATIONS OF THE TASER

If the first application of the TASER appears to be ineffective in gaining control of an individual and if circumstances allow, the deputy/correctional officer should consider the following before additional applications of the TASER:

- (a) Whether the probes or darts are making proper contact.
- (b) Whether the application of the TASER is interfering with the ability of the individual to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any deputy/correctional officer from deploying multiple, reasonable applications of the TASER on an individual.

309.4.6 REPORT OF USE

All TASER discharges outside of normal testing shall be documented in the related arrest/crime/incident report, the use of force form and notification made to a supervisor in compliance with Policy § 300.4.1. Accidental discharges of a TASER cartridge will also be documented. Reports documenting the discharge of a TASER cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

The onboard TASER memory may be downloaded through the data port by the Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken, Anti-Felon Identification (AFID) tags should be collected and the expended cartridge along with both probes and wire should be submitted by the deputy/correctional officer collecting the cartridge into evidence for future reference. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.5 USE OF THE TASER DEVICE

Absent extenuating circumstances or unavailability, only qualified personnel, including certified paramedics, should carefully remove TASER darts from a person's body. Used TASER darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

All persons who have been struck by TASER darts or who have been subjected to the electric discharge of the device 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.
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- (d) The TASER darts are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
- (e) The person requests medical treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium") or who require a protracted physical encounter with multiple deputies/correctional officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal should be witnessed by another deputy/correctional officer 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/correctional officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TASER.

309.6 DOCUMENTATION

In addition to the initial department approved training required to carry and use a TASER, any personnel who have not carried a TASER as a part of their assignment for a period of six months or more shall be recertified by a department approved TASER instructor prior to again carrying or using the device. A reassessment of a deputy/correctional officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Captain of Professional Standards Division.

The Captain of Professional Standards Division should ensure that all training includes the following:

- (a) A review of this policy.
 - (b) A review of the Use of Force Policy § 300.
 - (c) Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest and groin.
 - (d) De-escalation techniques.
-

Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

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

310.2 INVESTIGATION RESPONSIBILITY

This department conforms to the Officer Involved Critical Incident Protocol for investigating officer-involved shootings where injury has occurred.

When an employee has discharged a weapon and no gunshot wound is inflicted upon any person, the involved employee's Division Captain or the on-duty Watch Commander shall notify the Investigations Division Captain or the Sergeant in charge of the Persons Detail. The investigative process will begin immediately with the assignment of a detective(s). The detective(s) shall be responsible for the investigative report.

Exceptions to this policy are:

- Firing a weapon at an approved range
- Lawful target shooting
- Lawful hunting activity
- Test firing under controlled circumstances

310.3 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The Officer Involved Critical Incident Protocol Agreement dictates the guidelines for determining invocation of and jurisdictional responsibilities of all involved agencies.

310.4 THE INVESTIGATION PROCESS

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

310.4.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

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

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
 - (b) Attempt to obtain a brief overview of the situation from any non-shooter deputy(s).
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1. In the event that there are no non-shooter deputies, the supervisor should attempt to obtain a brief voluntary overview from one shooter deputy.
- (c) If necessary, the supervisor may administratively order any deputy from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any deputy(s), the initial on scene supervisor should not attempt to order any deputy to provide other than public safety information.
- (e) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter deputies should respond or be transported (separately, if feasible) to the station for further direction.
 1. Each involved deputy should be given an administrative order not to discuss the incident with other involved deputies pending further direction from a supervisor.
 2. When a deputy's weapon is taken or left at the scene (e.g., evidence), the deputy will be provided with a comparable replacement weapon or transported to an appropriate facility by sworn staff.

310.4.2 WATCH COMMANDER DUTIES

Upon learning of an officer-involved shooting, the Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by the Officer Involved Critical Incident Protocol Team.

310.4.3 NOTIFICATIONS

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

- Investigation Division Captain, for invocation of Protocol and coordination of investigative personnel response
 - Captain of the involved employee's division
 - Internal Affairs Unit
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- Undersheriff (who will notify the Sheriff and the appropriate employee association representative)
- Psychological/Peer support personnel
- Public Information Officer

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

310.4.4 MEDIA RELATIONS

Media relations will be handled pursuant to the Officer Involved Protocol Agreement

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available through the Public Information Officer in the event of inquiries from the media.

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

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

310.4.5 INVOLVED OFFICERS

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

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

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

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

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

310.5 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.5.1 CRIMINAL INVESTIGATION

The Officer Involved Critical Incident Protocol will govern the process for conducting a criminal investigation.

310.5.2 REPORTS BY INVOLVED OFFICERS

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

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

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

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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.

310.5.3 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with deputies.

310.6 ADMINISTRATIVE INVESTIGATION

Any deputy involved in a shooting may be 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.

- (a) 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.
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1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, in order to maintain the integrity of each individual [officer's/deputy's] statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
3. Administrative interview(s) should be recorded by the investigator (the deputy may also record the interview) (Government Code § 3303(g)).
4. The deputy shall be informed of all constitutional *Miranda* rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The deputy shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).
5. The administrative interview shall be considered part of the deputy's confidential personnel file.
6. The Internal Affairs Unit shall compile all relevant information and reports necessary for the department to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the employee's Division Captain for processing in accordance with the discipline review process. The Shooting Review Board will receive copies of the protocol or other criminal investigation and will restrict its findings as to whether there was compliance with department policy.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.6.1 CIVIL LIABILITY RESPONSE

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

Firearms

312.1 PURPOSE AND SCOPE

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

This policy does not apply to issues related to the use of 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.

312.2 POLICY

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

All other weapons, including but not limited to, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Division Captain. This exclusion does not apply to the carrying of a bladed tool or knife.

312.2.1 DUTY WEAPONS

The authorized departmental issued handguns are:

- Sig Sauer P226R .40 Caliber Blue steel finish (Patrol/Administrative/Plain clothes)
- Sig Sauer P229R .40 Caliber Blue steel finish (Patrol/Administrative/Plain clothes)
- Sig Sauer P365 9mm Black Polymer Frame Blue steel finish (Administrative/Plain clothes)
- Glock 27 .40 Caliber Blue steel finish (Administrative/Plain clothes).

The stocks will be factory issued plastic, wood or any other stock approved for use by the departmental Rangemaster/Armorer.

Deputy Sheriffs wearing their department issued gun belt shall only carry the Sig Sauer pistol in the Safariland model 6360 ALS level III holster with black basketweave finish or other model as directed by the Division Captain for specialized units.

All uniformed personnel shall carry the Sig Sauer P226R or P229R issued with the Streamlight TLR-1 light mounted while on duty. Persons working in a plain clothes assignment and uniformed

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administrative personnel are exempt from having to carry the firearm with the Streamlight TLR-1 light mounted while on duty.

All personnel to include persons working in a plain clothes assignment and uniformed administrative personnel shall have the Streamlight TLR-1 attached to the P226R or P229R during any firearms training and firearms qualification. On-duty administrative/plain clothes Deputy Sheriffs shall carry their issued weapon in a holster designed for the weapon at all times.

SWAT Team members are authorized to utilize any departmental weapon during SWAT operations.

312.2.2 AUTHORIZED SECONDARY WEAPONS

Deputies desiring to carry a secondary weapon are subject to the following restrictions:

- (a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.).
- (b) Only one secondary weapon may be carried at a time.
- (c) The purchase of the weapon and ammunition shall be the responsibility of the deputy.
- (d) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (e) The weapon shall be subject to inspection whenever deemed necessary
- (f) Ammunition shall be the same as department issue. If the caliber of the weapon is other than department issue, the Sheriff shall approve ammunition
- (g) Personnel shall qualify with the secondary weapon under range supervision. Deputies must demonstrate their proficiency, safe handling and serviceability of the weapon. This shall be done in accordance with the same frequency as the primary duty weapon.
- (h) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second weapon to the Rangemaster, who will endorse the request and forward it to the Professional Standards Administrative Lieutenant for final approval and placement in the deputy's divisional file.

312.2.3 AUTHORIZED OFF-DUTY WEAPONS

The carrying of firearms by sworn deputies while off duty is permitted by the Sheriff in accordance with applicable laws, but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn deputies who choose to carry any firearm other than their department issued duty weapon while off duty will be required to meet the following guidelines:

- (a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.).
 - (b) The purchase of the weapon and ammunition shall be the responsibility of the deputy.
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- (c) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (d) If any member desires to own more than one weapon utilized while off duty, he/she may do so, as long as the deputy meets all the requirements set forth in this policy for each weapon used.
- (e) When armed, whether on or off duty, officers shall carry their department identification and should carry their badge.

312.2.4 AMMUNITION

Deputies shall carry only department-authorized ammunition. Deputies shall be issued fresh duty ammunition in the specified quantity for all department issued firearms after qualification.

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

Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the Rangemaster when needed in accordance with established policy.

312.2.5 ALCOHOL AND DRUGS

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

312.3 SAFE HANDLING OF FIREARMS

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

312.3.1 SAFETY CONSIDERATIONS

- (a) Deputies shall use the utmost discretion when displaying or handling any firearm.
 - (b) Deputies shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Deputies shall not dry fire or practice quick draws except under Rangemaster supervision.
 - (c) Any member who discharges his/her weapon accidentally or intentionally, on or off-duty, except as provided in section 310.2, shall make a verbal report to the on duty supervisor/Watch Commander as soon as circumstances permit.
 - (d) Deputies shall not clean, repair, load or unload a handgun anywhere in the department, except where clearing barrels are present.
 - (e) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
 - (f) Deputies shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail
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section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location.

1. Firearms, of any type shall not be stored, carried, manipulated, or otherwise permitted in locker rooms except for exigent circumstances.
- (g) Deputies shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon (from the armory), except with approval of a supervisor.
- (h) Any weapon authorized by the department to be carried on or off duty that is found by the deputy to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Rangemaster, will be immediately removed from service. If the weapon is the deputy's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable.

312.3.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access (Penal Code § 25100).

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

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

312.3.3 STORAGE OF FIREARMS IN VEHICLES

Deputy Sheriffs will not store department issued weapons in any vehicle either on or off duty for any period of time except when the vehicle is equipped with a security storage container and, if utilized, that container cannot be in plain sight.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify bi-monthly with their duty weapon on an approved range course. The bi-monthly periods shall be:

- January-February
 - March-April
 - May-June
 - July-August
 - September-October
 - November-December
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The Rangemaster shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Captain of Professional Standards. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

312.4.1 NON QUALIFICATION

If any deputy is unable to qualify for any reason, including duty status, or scheduling conflict, that deputy shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will have their peace officer powers temporarily suspended until such time as they can successfully complete the required range qualification. Appropriate disciplinary action may also be taken depending upon the factual circumstances.

Sworn members who fail to qualify on their first qualification attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

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

312.5 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 attending the range and will submit the roster to the Captain of Professional Standards after each range date. Failure of any deputy to sign in and out with the Rangemaster may result in non-qualification.

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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by deputies of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The deputy will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Rangemaster.

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The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during the 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 Captain of Professional Standards 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 Department, 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 Captain of Professional Standards.

312.5.1 RANGE RULES

See attachment: Range Rules.pdf

312.6 MAINTENANCE AND REPAIR

Firearms carried on or off duty shall be maintained in a clean and serviceable condition, utilizing the manufacturer's field stripping method only.

Since the use of personally owned weapons is at the option of the individual deputy, that deputy will be responsible for the furnishing, maintenance and repair of such weapon.

312.6.1 REPAIR OR MODIFICATIONS 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.

Any modification to a department owned weapon other than routine repair shall require approval of the Patrol Administrative Lieutenant.

312.7 FIREARM DISCHARGE

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

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

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- (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, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

312.7.1 PROCEDURE TO FLY ARMED

The procedure for a Deputy Sheriff to fly armed is as follows:

- (a) Have the operational need to fly armed
- (b) The deputy must receive approval from his/her Divisional Administrative Lieutenant
- (c) A properly formatted message via NLETS to ORI VAFAM0199 will be sent via the administrative lieutenant
- (d) The NLETS receipt from the Transportation Security operations Center (TSOC) with the unique alphanumeric identifier will be received by the Sheriff's Office
- (e) The deputy will check in at the airline counter, identify him/herself and confirm they are in possession of the unique alphanumeric identifier received via NLETS.
- (f) The deputy will receive armed traveler paperwork provided by the airline and proceed to the Armed Law Enforcement Officer screening checkpoint.
- (g) At the screening checkpoint the unique alphanumeric identifier from NLETS, badge and credentials, boarding pass, a second form of government identification and the airline persons carrying firearms forms will be shown to the screener.
- (h) The deputy will complete the Law Enforcement Officer logbook entry and proceed to the boarding gate.
- (i) At the boarding gate the deputy will provide the airline with the armed traveler paperwork and inform the gate agent of his/her presence.
- (j) The deputy may meet with the pilot in command, Federal Air Marshals, Federal Flight Deck Officers, and/or other Law Enforcement Officers onboard the flight as directed.

312.8 CARRYING FIREARMS OUT OF STATE

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

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

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

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

Firearms - Shotguns

313.1 PURPOSE AND SCOPE

All sworn officers of the San Joaquin County Sheriff's Office shall be responsible for loading the shotgun in their duty vehicle prior to the start of their tour of duty and unloading the same shotgun before securing from the same tour.

313.2 PATROL SHOTGUN

The Sheriff's Office utilizes the Remington model 870 pump action 12 gauge shotgun. All in-service marked patrol vehicles are equipped with this weapon.

313.2.1 RANGE QUALIFICATION

All sworn staff will qualify with the shotgun at least four times annually on a course of fire as instructed by the range master/armorer.

313.3 DEPLOYMENT/SECURING SHOTGUN

- (a) Prior to the start of a tour of duty, the deputy will load the shotgun in the following manner:
 - 1. Remove the weapon from the locked rack and then the unit.
 - 2. Conduct a visual and physical inspection of the weapon opening up the action to make sure the shotgun is clear of any shells or obstructions.
 - 3. Holding the action bar release, the deputy will work the fore end three times clearing any shells they may have missed.
 - 4. While pointing the weapon in a safe direction, the deputy will drop the hammer by depressing the trigger.
 - 5. The deputy will then load six shells (from ammunition issued by the agency) into the magazine tube.
 - 6. Once the weapon is loaded (Cruiser Ready) it will be secured back into the unit in the Shotgun rack with safety off.

 - (b) Securing the shotgun at the end of shift:
 - 1. Remove the shotgun from the locked rack and from the unit.
 - 2. Keeping the weapon in a safe direction, bring the forend back towards the receiver about an inch. Push the carrier up into the receiver blocking the chamber. Reach in and press the right shell latch, releasing each shell individually. Place each shell where they can be easily seen. Once all six shells are unloaded, conduct one last visual/physical inspection of the weapon, rack it three times and drop the hammer by depressing the trigger.
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3. The shotgun will then be placed back into the unit rack and locked.

313.4 CARRY METHOD

Patrol shotguns may be carried in the following positions:

- High ready
- Indoor ready
- Low Ready
- Slung using the tactical sling (when installed)

If for some reason the shotgun is deployed (fired or not) it will be made safe prior to the deputy returning to service. The following steps will be followed:

- (a) Make a visual inspection (clear any shells from the chamber) and clear all shells from the magazine tube, and
- (b) Once cleared the weapon will be made "Cruiser Ready" again.

313.5 INSPECTION

The range master/armorer will inspect agency shotguns annually and service them as needed.

Vehicle Pursuits

314.1 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.

314.1.1 VEHICLE PURSUIT DEFINED

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

314.2 DEPUTY RESPONSIBILITIES

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

314.2.1 WHEN TO INITIATE A PURSUIT

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

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

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

314.2.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

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

314.2.3 SPEED LIMITS

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

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

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

314.3 PURSUIT UNITS

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

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314.3.1 MOTORCYCLE OFFICERS

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

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Deputy(s) 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 law enforcement aircraft. The exemptions provided by Vehicle Code § 21055 do not apply to deputies using vehicles without emergency equipment.

314.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

314.3.4 SECONDARY UNITS RESPONSIBILITIES

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

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

314.3.5 PURSUIT DRIVING TACTICS

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

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

314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

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

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

314.3.7 PURSUIT TRAILING

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

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

314.3.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. The supervisor overseeing the pursuit should consider the participation of aircraft assistance when determining whether to allow the pursuit to continue.

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

314.3.9 PURSUITS INVOLVING UNMARKED UNITS

Personnel driving unmarked units should carefully weigh all options before entering a pursuit and supervisors should exercise prudent judgment in allowing their involvement to continue. Deputy personnel driving unmarked units shall terminate their involvement in a pursuit when a marked black and white unit joins the pursuit unless otherwise directed by a supervisor.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

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

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
 - (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
 - (c) Exercising management and control of the pursuit even if not engaged in it.
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- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing SJSO units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

314.4.1 WATCH COMMANDER RESPONSIBILITY

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

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

314.5 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.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Communications 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.
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314.5.2 LOSS OF PURSUED VEHICLE

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

314.6 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.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

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

314.7 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.

314.7.1 WHEN USE IS AUTHORIZED

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

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

314.7.2 DEFINITIONS

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

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

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

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

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

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

314.7.3 USE OF FIREARMS

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

314.7.4 INTERVENTION STANDARDS

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

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by deputies who have received training in such tactics after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
 - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 - 4. The target vehicle is stopped or traveling at a low speed.
 - 5. At no time should civilian vehicles be used to deploy this technique.
 - (b) Only those deputies trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.
 - (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for
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situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

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

314.7.5 CAPTURE OF SUSPECTS

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

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

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314.8 REPORTING REQUIREMENTS

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

- (a) The primary deputy should complete appropriate crime/arrest reports.
- (b) 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, a field supervisor shall promptly complete a Supervisor's Log, briefly summarizing the pursuit, and submit it to his/her manager. This log should minimally contain the following information:
 - 1. Date and time of pursuit
 - 2. Length of pursuit
 - 3. Involved units and deputies
 - 4. Initial reason for pursuit
 - 5. Starting and termination points
 - 6. Disposition (arrest, citation), including arrestee information if applicable
 - 7. Injuries and/or property damage
 - 8. Medical treatment
 - 9. Name of supervisor at scene
 - 10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

314.8.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

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314.9 APPLICATION OF VEHICLE PURSUIT POLICY

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

Deputy Response to Calls

316.1 PURPOSE AND SCOPE

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

316.1.1 RESPONSE CODES

Response codes are as follows:

- (a) Code 1 - At your convenience.
- (b) Code 2 - Urgent - proceed without delay obeying all traffic laws.
- (c) Code 3 - Emergency response.

316.2 RESPONSE TO CALLS

Deputies dispatched to a "Code-3" call 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 circumstances reasonably indicate an emergency response is required.

316.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

316.3.1 NUMBER OF UNITS ASSIGNED

Normally, only two (2) units should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

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Deputy Response to Calls

316.4 INITIATING CODE 3 RESPONSE

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

316.5 RESPONSIBILITIES OF RESPONDING DEPUTY(S)

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

The decision to continue a Code-3 response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the deputy should immediately notify the Communications Center. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

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

316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when a deputy requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the deputy shall advise the Patrol Field Supervisor that he/she is responding Code-3. The dispatcher shall:

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

316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Patrol Field Supervisor shall verify the following:

- (a) The proper response has been initiated
-

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

It is the Patrol Field 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 terminate a Code-3 response, the Patrol Field Supervisor should consider the following:

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

316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the Code 3 response and respond accordingly. In all cases, the deputy shall notify the Patrol Field Supervisor and/or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

If the vehicle radio fails the responding deputy shall notify dispatch via assigned portable radio, and the supervisor will make a determination of whether the deputy will continue Code 3 response.

Alarms

317.1 PURPOSE AND SCOPE

Sworn personnel of the San Joaquin County Sheriff's Office will respond to all alarms in the unincorporated area of San Joaquin County as directed. This policy stresses officer and citizen safety and minimizes the possibility of barricaded suspects or hostages being taken. Most alarms will be responded to as crimes in progress. Crimes in progress require an organized, immediate, and efficient response to increase the possibility of criminal apprehension.

317.2 ALARM PERMITS

County Ordinance 4-6203 requires the alarm user to obtain a permit from the Sheriff's Office. This function is handled by Management Services, Alarms. Permits can be obtained in person, online or by mail. There is no charge for this permit.

County Ordinance 4-6303 provides for a fee of \$50 for the second and each subsequent false alarm at the same location. Calls cancelled prior to the dispatch of a unit or a unit going on scene shall not count as false alarms. Analysis and billing shall be handled by ManagementServices.

317.2.1 DISCONTINUANCE OF RESPONSE

Discontinuance of response may be implemented for non-payment of service fees or if the alarm location is deemed to be a nuisance (more than six false alarms in a fiscal year). This determination shall be made by the Sheriff or his designee. The fact a location is deemed a nuisance shall be entered into the Computer Aided Dispatch (CAD) and Records Management System (RMS) databases.

Prior to discontinuance of response, a written notice will be sent to the alarm user. the notice will be sent ten (10) days prior to discontinuance so the alarm user can respond and/or correct the problem.

Reinstatement to response status shall be done when fees are paid and corrections to the alarm system are made to eliminate false alarms. This will be tracked by the alarm coordinator.

317.3 RESPONDING TO ALARMS

A horizontal bar chart with 'Age Group' on the y-axis and 'Percentage' on the x-axis. The chart compares the percentage of respondents in a relationship for 10 years or more across three age groups (18-29, 30-49, 50-69) for two genders (Male and Female). The bars are color-coded: light blue for Male and light orange for Female. The data is as follows:

Age Group	Male (%)	Female (%)
18-29	~15	~10
30-49	~35	~30
50-69	~55	~50

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

317.3.2 DEPUTY IN CHARGE

[REDACTED]

317.3.3 ADDITIONAL UNITS

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

317.3.4 INVESTIGATION

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

317.3.5 TELEPHONE CONTACT

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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317.4 BURGLARY ALARMS/AUDIBLE ALARMS

For dispatch of burglary/audible alarms, the Communications Center will request citizen responder information (name, vehicle description, etc.) from the reporting party/company.

317.4.1 CRIME IN PROGRESS AT ALARM LOCATION

If there is a call from a citizen at the alarm location requesting police assistance in regards to a crime having been committed or a crime in progress, unit(s) will be dispatched as a response commensurate with known current conditions, bearing public and officer safety in mind. The Patrol Sergeant may modify the number of responding units according to his/her discretion.

317.4.2 RESPONSE TO ALARM LOCATION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- XEE - Employee Error
 - XUK - Unknown Reason
 - XEQ - Equipment Failure
 - XCN - Cancelled Prior to Arrival
 - XLU - Location Not Found
 - XNR - No Response
 - XOR - Other Causes (list specific cause)
-

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The dispatched unit will clear the call as appropriate via the MDC.

317.5 TROUBLE ALARMS

In the case of a panic alarm, it is assumed someone is on scene pushing an alarm button to request assistance; therefore, it should be considered that a responder is on scene.

Patrol unit response to a panic alarm is to be "Code 2" unless upgraded by additional information that warrants a "Code 3" response.

317.6 FALSE ALARMS

A false alarm is an alarm that is activated through mechanical failure, malfunction, improper installation or maintenance, or the negligence of the owner/lessee, or of his employees or agents, which necessitates response by the Sheriff's Office when an emergency condition does not exist.

Alarms caused by acts of nature such as earthquakes, flood, tornado, or other violent, uncontrollable acts of nature shall not be considered false alarms.

County Ordinances 4-6000 through 4-6304 describe false alarms.

317.7 PUBLIC NUISANCE ALARMS

An alarm will be considered to be a public nuisance if it generates six (6) or more alarms within a twelve (12) month period, or if an alarm owner has not paid a service fee within thirty (30) days. The analysis for this determination is made by the alarm coordinator.

Response to the alarm location shall continue until the owner has received proper notification from the alarm coordinator.

- (a) Patrol deputies shall follow the guidelines for responding to alarm locations as directed by this order.
 - (b) Patrol deputies will respond to an alarm location even though a permit has not been obtained.
 - (c) Patrol deputies shall advise the Communications Center if a responder does not arrive at the scene within thirty (30) minutes.
 - (d) Patrol deputies shall advise the Communications Center of their findings regarding the alarm. They will also provide a disposition in accordance with this order.
 - (e) Patrol deputies shall give the correct address of the alarm location, including suite numbers, space numbers, business name, etc. (if different than what they were dispatched to), to the Communications Center so the information record for the call may be updated.
-

Canine Program

318.1 PURPOSE AND SCOPE

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

318.2 ASSIGNMENT OF CANINES

Patrol canine teams should function primarily as cover units however; they may be assigned by the Patrol Field Supervisor to other functions based on the needs of the watch at the time.

Patrol canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Patrol Field Supervisor.

Custody canine teams will be utilized for the location of contraband in the Custody Facility. They may be used by other divisions or agencies after authorization via the Custody Chain of Command.

318.3 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Canine Supervisor shall be appointed by the Divisional Captain and shall supervise the Canine Program. The Canine Supervisor is directly responsible to the Divisional Captain. The Canine Supervisor shall be responsible for, but not limited to, the following:

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

318.4 REQUEST FOR USE OF CANINE TEAMS

Personnel within the department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Division shall go through the Patrol Field Supervisor.

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318.4.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

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

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

318.4.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Canine Supervisor prior to making any commitment. The Canine Supervisor is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols.

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

318.5 GUIDELINES FOR THE USE OF CANINES

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

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

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

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

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

318.5.1 PREPARATION FOR UTILIZING A CANINE

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

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

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

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

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

318.5.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

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

318.5.3 USE OF NARCOTIC-DETECTION CANINES

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

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- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause.
- (c) To search vehicles, buildings, bags, and any other articles deemed necessary.
- (d) To search custodial facilities.
- (e) A narcotic-detection canine will not be used to search a person for narcotics.

318.5.4 GUIDELINES FOR NON-APPREHENSION USE

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

- (a) Absent a change in circumstances which presents an immediate threat to deputies, the canine or the public, such applications should be conducted on leash or under such conditions that the canine will most likely not bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
- (c) Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practical.
- (d) 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.

318.5.5 USE OF BOMB/ EXPLOSIVE DETECTION CANINE

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

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

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

318.5.6 REPORTING CANINE USE, BITES AND INJURIES

Whenever a canine is deployed and intentionally bites or otherwise causes injury to a suspect, a supervisor shall be promptly notified and the injuries documented in a Canine Use Report Form. 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 the canine during deployments, operations, training, presentations or under any other circumstances, either on- or off-duty, shall be promptly reported to the on-duty or on-call Patrol Watch Commander. The Patrol Watch Commander or designee shall be responsible to obtain sufficient information to clarify the incident and shall immediately forward the information to the Sheriff via chain of command. Unintended bites or injuries caused by the canine shall be documented in an administrative report (ie.; memorandum, documented report, accident investigation report), not on a Canine Use Report Form.

The employee shall submit the administrative report within twenty-four (24) hours of the incident to the Sheriff via chain of command. The report will provide a summary of the incident including but not limited to any involved persons, or law enforcement contacts. If the employee is on leave when the incident occurs, the employee shall submit the administrative report upon return to work.

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).

318.5.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Watch Commander.

Medical care for any injured canine shall follow the protocol established in the Medical Care of the Canine section of this policy.

The injury will be documented on a Canine Use Report Form.

318.6 CANINE HANDLER RESPONSIBILITIES

318.6.1 HANDLER COMPENSATION

The handler shall be available for call-out under conditions specified by the Canine Supervisor.

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

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318.6.2 CARE FOR THE CANINE AND EQUIPMENT

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

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
 - (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
 - (c) Handlers shall permit the Canine Supervisor to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.
 - (d) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Canine Supervisor as soon as possible.
 - (e) While a canine is kept at the handler's home, it shall be done in a secure manner to prevent accidental escape of the canine. When off-duty, canines may be let out of their secure areas while under the direct control of their handlers.
 - 1. If an escape does occur, the canine handler will immediately notify verbally the on duty Watch Commander and also, the Canine Supervisor or Manager. Written notification is to follow via chain of command within 24 hours.
 - (f) The canine should be permitted to socialize in the home with the handler's family at the discretion of the canine handler.
 - (g) Under no circumstances will the canine be lodged at another location unless approved by the Canine Supervisor or Watch Commander.
 - (h) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Canine Supervisor or Watch Commander.
 - (i) If an off duty canine bite or injury occurs, the Canine Handler will immediately notify verbally the on duty on duty Watch Commander and also, the Canine Supervisor or Manager. The Canine Handler will follow the protocol established in Section 318.2.5 for bites and injuries. Written notification and applicable forms are to be completed as soon as possible, no later than 24 hours after the incident.
 - (j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Supervisor so that appropriate arrangements can be made.
-

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318.6.3 CANINE IN PUBLIC AREAS

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

- (a) Canines shall not be left unattended in any area to which the public may have access, with the exception of law enforcement operations.
- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog, with the exception of law enforcement operations. The handler shall also insure that the unattended unit remains inhabitable for the canine.
- (c) It is the responsibility of the canine handler to maintain control of the canine at all times.

318.7 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Section § 318. 7.2, Emergency Medical Care.

318.7.1 NON-EMERGENCY MEDICAL CARE

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

Any indication that a canine is not in good physical condition shall be reported to the Canine Supervisor or the Watch Commander as soon as practical.

All records of medical treatment shall be maintained in the canine training file.

318.7.2 EMERGENCY MEDICAL CARE

The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care for the canine is required.

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

318.8 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 dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the California Narcotic Canine Association or other recognized and approved certification standards.

318.8.1 CONTINUED TRAINING

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

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

318.8.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any canine team failing POST canine certification and/or the California Narcotic Canine Association shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular duties.

All canine teams must complete departmental certification and recertification as outlined by the San Joaquin County Sheriff's Office Canine Certification Policy.

318.8.3 TRAINING RECORDS

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

318.9 TRAINING AIDS

318.9.1 CONTROLLED SUBSTANCE TRAINING AIDS

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

Health & Safety Code § 11367.5 and 21 USC § 823(f) provides that any Sheriff, Chief Of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

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

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

- (a) All necessary controlled substance training samples shall be acquired from the San Joaquin County Sheriff's Office's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler
- (b) The weight and test results shall be recorded and maintained by this department;
- (c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances
- (d) All controlled substance training samples will be inspected and weighed quarterly. The results of the quarterly inspection shall be documented and maintained by the Narcotics Canine Program Captain.
- (e) All controlled substance training samples will be stored in a secured container at all times, except during training. The secured container shall be stored in a designated locked locker. There are no exceptions to this procedure. There will be a chain of custody log that will be updated each time the training sample is used.
- (f) The Narcotics Canine Program Captain 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 Bureau for destruction.

318.9.3 IMMUNITY

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

318.9.4 EXPLOSIVE TRAINING AIDS

Explosive training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (Penal Code § 12302). Explosive training aids designed specifically for K-9 teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or

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non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids is subject to the following requirements:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.
 - (b) An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the Canine Unit.
 - (c) The Canine Unit Supervisor shall be responsible to verify the explosives training aids on hand against the inventory ledger once each quarter.
 - (d) Only members of the Canine Unit shall have access to the explosives training aid storage facility.
 - (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or second person on scene will be designated as the secondary custodian.
 - (f) Any lost or damaged explosives training aid shall be promptly reported to the Unit Supervisor in writing who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
 - (g) The Canine Unit Lieutenant with oversight of the Explosives Detection Dogs will be responsible for management oversight of the explosives training aids.
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Domestic Violence

320.1 PURPOSE AND SCOPE

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

320.1.1 DEFINITIONS

The San Joaquin County Sheriff's Office "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the Commission on Peace Officer Standards and Training. The following definitions are provided by Penal Code § 13700:

Abuse - means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury.

Domestic Violence - is abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

Cohabitant - means two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters
- Sharing of income or expenses
- Joint use or ownership of property
- Whether the parties hold themselves out as husband and wife
- The continuity of the relationship
- The length of the relationship

The above definition of cohabitant is used for the application of enforcing Penal Code § 273.5. Family Code § 6209 expands the definition of cohabitant to include a person who regularly resides in the household for the application of enforcing Penal Code § 836(d).

Officer/Deputy - means any law enforcement officer employed by a local police department or sheriff's department, consistent with Penal Code § 830.1.

Victim - means a person who is a victim of domestic violence.

Definitions related to this policy include:

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Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

320.2 POLICY

The investigation of domestic violence cases places deputies in emotionally charged and sometimes highly dangerous environments. No provisions of this guideline are intended to supersede the responsibility of all deputies to exercise reasonable care for the safety of any deputies and parties involved.

320.3 OFFICER SAFETY

It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:

- (a) Marital status of suspect and victim
- (b) Whether or not the suspect lives on the premises with the victim
- (c) Existence or lack of temporary restraining order
- (d) Potential financial consequences of arrest
- (e) Complainant's history or prior complaints
- (f) Verbal assurances that violence will cease
- (g) Complainant's emotional state
- (h) Non-visible injuries
- (i) Location of the incident (public/private)
- (j) Victim does not want to prosecute or make private person's arrest
- (k) Speculation that complainant may not follow through with the prosecution
- (l) The case may not result in a conviction

320.3.1 FELONY ARRESTS

In accordance with state law, an arrest should be made when there is probable cause to believe a felony has occurred.

320.3.2 MISDEMEANOR ARRESTS

In accordance with state law, an arrest should generally be made when there is probable cause to believe a misdemeanor has occurred.

- (a) Sheriff's deputies may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:
 - 1. A current or former spouse.
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2. A current or former cohabitant (Family Code § 6209 definition).
 3. A fiancé or fiancée.
 4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship.
 5. A person with whom the suspect has parented a child.
 6. A child of the suspect or a child of one of the above listed categories.
 7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.
- (b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):
1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
 2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

320.3.3 FIELD RELEASE

A field release may not be used and a physical arrest should be made when there is a reasonable likelihood that the offense may continue or resume, or that the safety of persons or property would be imminently endangered by releasing the arrested person in the field (Penal Code § 853.6).

- (a) Any of the following may support the likelihood of a continuing offense:
1. Whether the suspect has a prior history of arrests or citations involving domestic violence.
 2. Whether the suspect is violating a Stay Away Order issued by a criminal court.
 3. Whether the suspect has previously violated, or is currently violating, a valid temporary restraining order.
 4. Whether the suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
 5. Statements from the victim that the suspect has a history of physical abuse toward the victim.
 6. Statements from the victim expressing fear of retaliation or further violence should the suspect be released.
- (b) Deputies shall not cite and release for the following offenses (Penal Code § 853.6(a)(3)):
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1. Penal Code § 243(e)(1)
2. Penal Code § 273.5
3. Penal Code § 273.6 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.
5. Other offenses specified in Penal Code § 1270.1, such as serious or violent felonies.

320.3.4 PRIVATE PERSON'S ARREST

Deputies will advise the victim of his/her right to make a private person's arrest when a crime has been committed outside the deputy's presence which does not meet the requirements for a deputy initiated arrest either because it is not a felony or a qualifying misdemeanor offense under Penal Code § 836(d). Advisements regarding private person's arrests should be held out of the presence of the suspect. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions of Policy Manual § 364 for further options regarding the disposition of private person's arrests.

320.3.5 PROTECTIVE ORDER VIOLATIONS

Absent exigent circumstances, if probable cause exists to believe an offender has violated a protective order as defined in Penal Code § 13701(b), an arrest shall be made. These court orders involve the following:

- (a) Prohibit threats, harassment or violence
- (b) Excludes a party from a dwelling
- (c) Prohibit other behaviors specified by the court

These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together.

The court orders under Penal Code § 13701(b) may be captioned as follows:

- Domestic Violence Protective Order
 - Criminal Court Protective Order
 - Emergency Protective Order (EPO)
 - Order to Show Cause and Temporary Restraining Order (TRO)
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- Order After Hearing
- Restraining Order - Juvenile
- Judgment of Dissolution and Order

Any deputy determining that there is probable cause to believe that a protective order issued by a tribunal of another state is valid shall enforce such order as if issued in this state.

- (a) Deputies may request a person who is not in lawful possession of the premises to leave when:
 - 1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.)
 - 2. The complainant has requested that the person leave the premises
- (b) The deputy will stand by until the suspect removes essential belongings
- (c) If the suspect does not leave upon request, an arrest should be made under Penal Code § 602.5
- (d) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the deputy should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy
- (e) If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- (j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
1. Marital status of suspect and victim.
 2. Whether the suspect lives on the premises with the victim.
 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 4. The potential financial or child custody consequences of arrest.
 5. The physical or emotional state of either party.
 6. Use of drugs or alcohol by either party.
 7. Denial that the abuse occurred where evidence indicates otherwise.
 8. A request by the victim not to arrest the suspect.
 9. Location of the incident (public/private).
 10. Speculation that the complainant may not follow through with the prosecution.
 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
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- (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.

320.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

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

320.4.3 PROOF OF SERVICE NOT VERIFIED

When the deputy verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the deputy shall perform the following:

- (a) At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody (Code of Civil Procedure § 527.8(i)(2)).
- (b) Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest.
- (c) Obtain the suspect's address.
- (d) Enforce the order but do not make an arrest for any violation of the order occurring prior to verified proof of service or before a deputy's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made (Code of Civil Procedure § 527.8(i)(4)).

If the suspect complies with the order the deputy shall complete a report detailing the specific terms of the order and advisement, the name of the advising deputy, and the date and time of the advisement (Penal Code § 13730(c)). The department copy of the restraining order shall be updated to reflect the information listed above.

320.4.4 WHEN ORDERS ARE NOT VERIFIABLE

If the victim is not in possession of the restraining order and/or for any reason the deputy cannot verify the validity of the order the following action shall be taken:

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- (a) Write a report, give the police report number to the victim.
- (b) Inform the victim of how to contact the appropriate detective or investigation unit for further action (Penal Code § 13730(c)).
- (c) Inform the victim of the right to make a private person's arrest for the appropriate violation.

In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. In such circumstances a written report shall be completed and the victim shall be informed of the case number and the follow-up criminal procedure (Penal Code §§ 13730(c) and 13701(c)).

320.4.5 EMERGENCY PROTECTIVE ORDERS

- (a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:
 - 1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
 - 2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
 - 3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.
 - 4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.07 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.
 - (b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.
 - 1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).
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2. Any deputy seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
 3. Any deputy requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.
- (c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:
1. Physically or verbally contacting the victim or disturbing his/her peace.
 2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence.
 3. Continuing a specified behavior as described in the order.
- (d) Deputies investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.
- (e) Deputies should consider requesting an EPO if any of the following conditions exist:
1. The victim requests an EPO.
 2. The investigating deputy has grounds to believe that there is an immediate danger of continuing violence against the victim.
 3. The investigating deputy or victim believes that the suspect may be able to make bail and the potential for further violence exists.

320.4.6 COURT ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1). Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

320.5 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.

320.5.1 VICTIM INFORMATION AND NOTIFICATION EVERYDAY PROGRAM

When appropriate, deputies should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) Program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from County Jail. The contact phone number for VINE is printed on the San Joaquin County Sheriff's Office Victims of Violent Crime Information Sheet.

- The statewide VINE phone number is:
 - (877) 411-5588

320.5.2 WRITTEN NOTICE TO VICTIMS

Penal Code § 13701 requires that victims of domestic violence be furnished written notice including the following information:

- (a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time
 - (b) A statement that provides information about a shelter they may contact in the area
 - (c) A statement that provides information about other community services they may contact in the area
 - (d) A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint
 - (e) A statement that "For further information about the California Victim's Compensation Program, you may contact 1-800-777-9229."
 - (f) A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:
 - 1. An order restraining the attacker from abusing the victim and other family members
 - 2. An order directing the attacker to leave the household
 - 3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim
 - 4. An order awarding the victim or the other parent custody of or visitation with a minor child or children
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5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim
6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so
7. An order directing the defendant to make specified debt payments coming due while the order is in effect
8. An order directing that either or both parties participate in counseling
- (g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim
- (h) In the case of an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, a Victims of Violent Crime Information Sheet which shall include, but is not limited to, the following information:
 1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code § 13837, and their 24-hour counseling service telephone numbers.
 2. A simple statement on the proper procedures for a victim to follow after a sexual assault.
 3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.
 4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.
- (i) The card should also provide information relating to the rights and duties of tenants and landlords regarding lock changes, evictions and related matters that may assist victims with housing and safety concerns (Code of Civil Procedure § 1161.3, Civil Code § 1941.5 and Civil Code § 1941.6).

320.5.3 DOMESTIC VIOLENCE SUPPORT

Victims of domestic violence or abuse have the right to have a domestic violence counselor (as defined in Evidence Code § 1037.1) and a support person of the victim's choosing present at any interview by law enforcement authorities (Penal Code § 679.05)

The investigating deputy must advise the victim of his/her right to have an advocate and support person present at any subsequent interview(s), including additional interviews by the reporting and/or detectives handling the case. The victim should be advised that any advocate working for the agencies listed on the Domestic Violence resource card would qualify.

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- (a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.
- (b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.
- (c) The investigating deputy should articulate in the report that the victim was advised of their right to a counselor and/or support person.

320.6 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

320.6.1 RECORD-KEEPING RESPONSIBILITIES

Penal Code § 13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

320.7 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).

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- (b) Check available records or databases that may show the status or conditions of the order.
 - 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

320.7.1 RETURN OF FIREARMS

- (a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the deputy has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability (Penal Code § 18265(b)).
- (b) If, however, any deputy has reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through the department of Justice or other sources, the department shall within five days of the seizure, notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days of the seizure.
- (c) If, after 45 days, the department has been unable to clear the firearm or other deadly weapon for release, the department shall commence the process of preparing a petition to the Superior Court to determine if the firearm or other weapon should be returned. Such petition shall be filed within 60 days of the initial seizure or upon timely application to the court for an extension within no more than 90 days (Penal Code § 18400(a)).
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33850(a)(4).
- (e) The department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 34000(a)).

320.8 LEGAL MANDATES AND RELEVANT LAWS

This department considers calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Penal Code § 136.2,

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and restraining orders of extreme importance and shall be ranked among the highest priorities. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance. All calls of domestic violence should be dispatched as soon as practical.

320.8.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

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

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Domestic Violence

4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the deputy's presence. After arrest, the deputy shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

320.8.2 COURT ORDERS

- (a) A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) At the request of the petitioner, a deputy at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (c) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

320.8.3 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 or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name
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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)(2)).

320.9 INVESTIGATIVE CONSIDERATIONS

[illegible]

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320.9.1 EMERGENCY PROTECTIVE ORDERS

- (i) Also check box, if previous court order exists.
- (j) Emergency Protection Order will expire within 5 court days and not to exceed 7 days. It will not expire on a weekend.
- (k) All orders expire at 5 p.m. (1700 hrs).
- (l) Provide the victim with a copy of the order.
- (m) Contact records division to enter Emergency Protection Order into CLETS.
- (n) If suspect is present at the scene and service is made, records can be contacted to enter order granted and served.
- (o) If suspect is not at scene, an Emergency Protection Order will be completed and attached with the Emergency Protection Order worksheet.
- (p) If the suspect is to be arrested, then all charges shall be listed.
- (q) List all known addresses, inclusive of work and/or family.
- (r) If possible, obtain a photograph of the suspect to attach to the Emergency Protection Order worksheet. If a wanted persons BOL is completed, attach it to Emergency Protection worksheet.

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- (s) Attempts shall be made to serve Emergency Protection Order. Document all attempts on Emergency Protection Order Worksheet.
 - (t) At the conclusion of each shift, the Emergency Protection Order and the worksheet shall be given to current on duty Sergeant, unless directed by the Sergeant to give to another deputy.
 - (u) At the expiration date of the Emergency Protection Order, the deputy who is in possession of it at the time of expiration will supplement the original report. This will include the documentation of the attempts and failure to serve. The Emergency Protection Order and the worksheet will be placed in a priority envelope and turned into the records division. Court Orders (320.3.5 & 320.4).
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Search and Seizure

322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for San Joaquin County Sheriff's Office personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the San Joaquin 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.

In accordance with the Training Policy, 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.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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Search and Seizure

322.4 SEARCH PROTOCOL

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

- (a) Members of 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.

322.5 DOCUMENTATION

Deputies are responsible to ensure that reports include, 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.

Execution of Search Warrants

323.1 POLICY

The execution of search warrants, conducting of parole searches, and invoking searchable clauses as a condition of probation shall be carried out on a basis of safety first. The safety of personnel involved will take precedence over the apprehension of suspects or recovery of contraband.

323.2 PROCEDURE

[illegible]

Execution of Search Warrants

323.4 FIREARMS/EQUIPMENT

- (a) Each search team member will wear his/her full leather gear and their department issued sidearm. (Exception: The Critical Incident Management Team if they are involved.)
- (b) Bullet proof vests shall be worn by all officers involved in the execution of a search warrant, parole search, or searchable clause on a residence.

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323.5 NOTIFICATION

- ### 323.6 SERVICE/SEARCH

[illegible]

Execution of Search Warrants

A. Any monies found and/or seized as a result of a search shall be immediately called to the attention of the search supervisor. The search supervisor shall be responsible for the accounting and disposition of the monies.

A. A return of service shall be filed with the issuing court immediately following the search but in no case later than ten days after the date the warrant was served. Along with the return of service, there must also be a written inventory of property taken verified by affidavit of the officer.

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by personnel of the San Joaquin County Sheriff's Office (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

324.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her 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 his/her 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) (Penal 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(d); 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this department 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.
 - (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
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- (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.

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

324.2 POLICY

The San Joaquin County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the San Joaquin County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

324.2.1 DETENTION OF A MINOR FORM

See attachment: Detention+of+a+Minor.jpg

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the San Joaquin County Sheriff's Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

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These juveniles should not be held at the San Joaquin County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

324.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department personnel 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 him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

324.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the San Joaquin County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the San Joaquin 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 his/her entry into the San Joaquin County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the San Joaquin 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.

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324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the San Joaquin 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 suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

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

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her 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).

324.5 ADVISEMENTS

Deputies shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

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Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she 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(d)).

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 his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

324.6 JUVENILE CUSTODY LOGS

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

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the San Joaquin 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(d); 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.

324.7 NO-CONTACT REQUIREMENTS

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

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In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the San Joaquin County Sheriff's Office (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

324.8 TEMPORARY CUSTODY REQUIREMENTS

Personnel and supervisors assigned to monitor or process any juvenile at the San Joaquin 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 San Joaquin County Sheriff's Office more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the San Joaquin 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) 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).
 - (g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
 - (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
 - (i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
 - (j) 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).
 - (k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
 - (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
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- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (o) 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).

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the San Joaquin County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

324.10 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the San Joaquin County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the San Joaquin County Sheriff's Office.

324.11 SECURE CUSTODY

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

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself 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
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- (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 department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

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

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

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

324.11.1 LOCKED ENCLOSURES

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

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

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
 - (b) Juveniles shall have constant auditory access to department personnel (15 CCR 1147).
 - (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).
 - (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 his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
 - (e) Males and females shall not be placed in the same locked room (15 CCR 1147).
 - (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
 - (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.
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324.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the San Joaquin 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.

324.13 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor, or in his/her 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 Investigative Division supervisor, giving due consideration to the following:

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

324.14 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. Personnel of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the San Joaquin

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County Sheriff's Office Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate Investigative Division supervisors to ensure that personnel of those divisions act within legal guidelines.

324.15 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

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

324.16 RELIGIOUS ACCOMMODATION

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

Adult Abuse

326.1 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 San Joaquin County Sheriff's Office personnel as required by law.

326.1.1 DEFINITIONS

Definitions related to this policy include:

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).

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 § 15610.07; Penal Code § 368.5).

326.2 INVESTIGATIVE CONSIDERATIONS

326.2.1 INITIAL ASSESSMENT OF ELDER OR DEPENDENT ADULT ABUSE

This image consists of multiple horizontal black bars of different lengths, stacked vertically. These bars represent redacted information from a document. The bars vary significantly in length, with some spanning most of the width of the page and others being much shorter. They are arranged in several groups, suggesting they cover different sections or items within a list or report.

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326.2.2 VICTIM INTERVIEW

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

326.2.3 WITNESS INTERVIEWS

[REDACTED]

[REDACTED]

[REDACTED]

326.2.4 EVIDENCE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

326.2.5 FOR ABUSE (PHYSICAL OR SEXUAL) CASES

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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Device Type	Percentage of Respondents
Smartphone	95%
Tablet	78%
Smartwatch	62%
Smart TV	55%
Smart Home Assistant	48%
Smart Car	32%

326.3 POLICY

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

326.4 INVESTIGATIONS AND REPORTING

[illegible]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

326.5 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

326.6 MANDATORY NOTIFICATION

Members of the San Joaquin County Sheriff's Office shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c)).

A dependent adult is 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

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because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23).

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 is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
 - 4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
 - (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
 - (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
 - (d) The SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
 - (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
 - (f) 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.
 - (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
 - (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
 - 1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department
-

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of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

- (i) If during an investigation it is determined that the 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)).
- (j) When the Department 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 Investigative Division 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).

326.6.1 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.

326.7 PROTECTIVE CUSTODY

Before taking an 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, personnel of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available

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and immediate action reasonably appears necessary to protect the victim. Prior to taking an 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 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 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.

326.7.1 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)).

326.8 INTERVIEWS

326.8.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected 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.

326.8.2 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.
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326.9 MEDICAL EXAMINATIONS

When an 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.

326.10 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 adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

326.10.1 SUPERVISOR RESPONSIBILITIES

The Investigative Division 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 adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Investigative Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an 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.

326.10.2 DEPUTY RESPONSIBILITIES

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

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

326.11 RECORDS DIVISION RESPONSIBILITIES

The Records Division is responsible for:

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

326.12 JURISDICTION

The San Joaquin 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 in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

326.13 RELEVANT STATUTES

Penal Code § 368 (c)

Any 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)

(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.

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

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(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

- (1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
- (2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
- (3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

- (1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.
- (2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) "Isolation" means any of the following:

- (1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
- (2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
- (3) False imprisonment, as defined in Section 236 of the Penal Code.
- (4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon

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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. No person shall be deemed neglected or abused for the sole reason that he or she 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) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

15610.63. "Physical abuse" means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

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- (5) Incest, as defined in Section 285 of the Penal Code.
 - (6) Sodomy, as defined in Section 286 of the Penal Code.
 - (7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 - (8) Sexual penetration, as defined in Section 289 of the Penal Code.
 - (9) 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.
-

Discriminatory Harassment

328.1 PURPOSE AND SCOPE

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

328.2 POLICY

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

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

328.3 DEFINITIONS

Definitions related to this policy include:

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on the 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 other classifications 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, crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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328.3.2 SEXUAL HARASSMENT

The Department 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.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with County or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

328.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Director of Human Resources or the County Administrator.

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Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager 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 his/her 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 Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

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

328.4.3 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 Resources, the County Administrator or the California Department of Fair Employment and Housing for further information, direction or clarification.

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Discriminatory Harassment

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

328.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

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

The 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 any 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, Director of Human Resources or the County Administrator.

328.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

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- Approved by the Sheriff, the County Administrator or the Director of Human Resources, depending on the ranks of the involved parties.
- Maintained in accordance with the department's established records retention schedule.

328.6.1 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.

328.7 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 he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Department.

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.

328.7.1 SUPERVISOR TRAINING

All supervisors shall receive specific training and education regarding sexual harassment, prevention of abusive conduct and harassment based on gender identity, gender expression and sexual orientation within six months of assuming a supervisory position. Refresher training shall be provided every two years thereafter (Government Code § 12950.1; 2 CCR 11024).

328.7.2 TRAINING RECORDS

The Captain of Professional Standards 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).

328.8 GENERAL HARASSMENT

General harassment is not a violation of Civil Service Rule 20, and is any harassment not based on one or more of the listed protected categories as stated in Sections 328.31 and 328.32.

General harassment is defined as behavior that intimidates, threatens, degrades, torments, or places demands upon another to the extent that the conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

328.8.1 EMPLOYEE REPORTING GENERAL HARASSMENT

- (a) Any employee who has a complaint of general harassment shall report the incident to his or her immediate supervisor.
 - (b) If the immediate supervisor is alleged to be the one responsible for the general harassment, the complaining employee may report the incident to the next supervisory level.
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- (c) A supervisor who receives a complaint of general harassment shall attempt to resolve the matter at his or her level. If they are unable to address or resolve the complaint it will be forwarded to next supervisory level for review and resolution.

328.9 WORKING CONDITIONS

The EEO Coordinator or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

328.10 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

Child Abuse

330.1 PURPOSE AND SCOPE

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

330.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

Child Neglect - Penal Code section 273a(a) and (b) are the criminal sections regarding child abuse and neglect. Penal Code section 11165.2 defines severe and general neglect.

- (a) **Severe Neglect** -The negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. Severe neglect also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered including the intentional failure to provide adequate food, clothing, shelter or medical care.
 - (b) **General Neglect**- The negligent failure of a person having 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. The legal elements of neglect may exist if: No food is available No sanitation, gas or electric service Safety hazards are present (open pits, exposed electrical wiring, etc.) Inadequate supervision of small children Behavior patterns observed indicative of emotional maltreatment
 - (c) **Evidence** Photographs of victim, victim's injuries, the crime scene and photographs of the residence and it's condition should be taken. Findings of medical examinations should be obtained. Collection of weapons/instruments that are suspected to have caused victim's injury. Document observations of the officer as to visual, odors, behavior of children, etc. Collect any diaries or letters from victim or suspect regarding the incident or any items described by victim that can confirm or deny allegations. Recordings of pre-text phone calls made to suspect during investigation. The following are considerations regarding suspect arrest or Interview: Suspects awareness of
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the investigation, danger to the child or suspect, the likelihood of continued criminal activity, nature of offense and potential sentences, likelihood suspect will flee the jurisdiction, likelihood of evidence destruction and impact on case follow-up.

- (d) Removal of child from home Under the authority of Welfare and Institutions Code section 305- Any peace officer may without a warrant take temporary custody of a minor: When the officer has reasonable cause for believing the minor is a person described in Section 300(a) (serious injury caused by parents or guardians or due to parent or guardians' failure or inability to adequately supervise) and in addition- has an immediate need for medical care the minor is in immediate danger of physical or sexual abuse physical environment where child is left unattended poses immediate threat to child's health or safety child is left unattended and no parent or guardian can be contacted who is in the hospital and release of the minor to a parent poses an immediate danger to the child's health or safety. child is dependent of juvenile court and has violated an order of the juvenile court or has left any placement ordered by the juvenile court. is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.
- (e) Child Protective Services Child Protective Services has the authority to remove children from a home if there is not a parent or guardian present. Although CPS has the authority to remove an unsupervised child, they do not have the authority to book any children into Mary Graham Hall and will need a Deputy Sheriff to sign the booking form. If a Deputy Sheriff is requested to sign a Mary Graham Hall booking form by Child Protective Services, the Deputy shall confirm the circumstances of the booking and document that information in a report. They will advise the patrol sergeant prior to signing the form. If Child Protective Services contacts the Sheriff's Office in regards to serving a Protective Custody Order the investigating officer will notify the patrol sergeant and the order is only to be served at the direction of the lieutenant watch commander.

330.2 POLICY

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

330.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
 - (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.
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The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. 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 should not be reported to the District Attorney (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 (Penal Code 11166.1; Penal Code 11166.2).

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 his/her employment as a peace officer.

330.3.1 NOTIFICATION PROCEDURE

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

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

330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
 - (b) Be familiar with forensic interview techniques specific to child abuse investigations.
 - (c) Present all cases of alleged child abuse to the prosecutor for review.
 - (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
 - (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
 - (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).
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[REDACTED]
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If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department 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).

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330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her 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.
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- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 or Penal Code § 278.5.

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

330.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

330.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, deputies can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Deputies shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

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

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

If the child has been the victim of sexual abuse requiring a medical examination, the deputy should arrange for transportation of the victim to the appropriate hospital or Child Advocacy Center (CAC). The deputy will need to fill out the Medical Report - Suspected Child Sexual Abuse form, (OCJP form 925) prior to the doctor doing the examination, per the S.A.R.T. Protocol.

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics. Deputies should refer to the D.E.C. Protocol for investigative guidelines.

330.9.1 SUPERVISOR RESPONSIBILITIES

The C.A.S.A. Sergeant 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 C.A.S.A. Sergeant 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.
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- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

330.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the C.A.S.A Sergeant so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Release of Records and Information Policy (Penal Code 841.5; Penal Code § 11167.5).

330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

330.10.3 CACI HEARING OFFICER

The Detective Administrative Lieutenant 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.

330.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

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Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

330.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation (Penal Code § 11174.32).

330.11 TRAINING

The Department 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.
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Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), and Missing and Unidentified Persons System (MUPS)

332.1.2 OPERATIONAL CHECKLIST

If a missing person is determined to be at risk the following steps will be taken:

- (a) Duty Sergeant notified.
- (b) Investigating deputy will complete the Missing Persons Reporting Form and attach a photograph of the missing person if possible. The form and photograph will be submitted at the end of the shift to records.
- (c) A copy of the Dental/Skeletal X-rays release authorization form will be left with the reporting party.
- (d) A complete investigation will be conducted to identify information that will assist in locating the missing person and should include but not be limited to:
 1. Addresses
 2. Associates

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3. Clothing
 4. Identifying scars, marks, tattoos
 5. Dentist or doctor information
 6. Work or school information
 7. Vehicles
 8. Cellular phones
 9. Possible phone numbers recently contacted
- (e) If the missing person is not located by the end of the shift, a Missing Persons Tracking Worksheet will be completed and turned into the Duty Sergeant. This is to be documented in CAD by MDC or dispatch entry.
- (f) The Missing Persons Tracking Worksheet will be maintained by the Duty Sergeant and used to determine need for further follow up investigation or detective assignment. The worksheet should have attached copies of the Missing Persons Reporting Form, TRAK Fliers, and any photographs.

332.2 POLICY

The San Joaquin County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The San Joaquin County Sheriff's Office gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

332.2.1 INVESTIGATIONS ASSIGNMENT

Missing persons cases will be turned over to Investigations Division if detectives have not already assumed responsibility and control of the investigation as follows:

- Missing persons at risk will be turned over to Investigations Division on the next regular business day.
- Juveniles not at risk will be turned over to Investigations Division after five days.
- Adults not at risk will be turned over to Investigations Division after ten days.

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

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

332.4 ACCEPTANCE OF REPORTS

Any 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).

332.5 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:
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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).
 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.

332.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

332.6.1 SUPERVISOR RESPONSIBILITIES

The 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 Division.
- (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.

332.6.2 RECORDS DIVISION RESPONSIBILITIES

The receiving member shall:

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- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigative Division.
- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

332.7 INVESTIGATIVE DIVISION 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.
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- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

332.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the 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.

332.9 CASE CLOSURE

The Investigative Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
 - (b) If the missing person was a resident of San Joaquin or this department 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 department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
 - (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.
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Missing Persons

Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information. This policy addresses AMBER Alerts, Blue Alerts and other methods of public notification and soliciting public aid when appropriate.

334.2 POLICY

The America's Missing: Broadcast Emergency Response Program (AMBER Alert™) is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of Public alerts may be employed using the Emergency Alert Systems (EAS), local radio, television and press affiliates, the public will be notified of the circumstances of a child abduction and how they can assist law enforcement in the recovery of the child. The goal is the safety of the public and law enforcement and the successful apprehension of the suspect by establishing an effective partnership between the community, the media and law enforcement of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.2.1 AMBER ALERT DEFINITIONS

Abduction - Any child under the age of 18-years who has been unwillingly removed from his/her environment without permission from the child's legal guardian or a designated legal representative.

334.2.2 CHILD ABDUCTION CRITERIA

The following conditions must be met before activating an AMBER Alert (Government Code 8594(a)):

- (a) Abduction has been determined to have occurred.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

334.2.3 PROCEDURE FOR AMBER ALERT

In the event of a confirmed child abduction, the following procedures designed to alert the media shall be followed.

- (a) The Public Information Officer, Watch Commander or Detective Supervisor will prepare an initial press release that includes all available information which might aid in locating the child:
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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 phone number of the Public Information Officer or other authorized individual to handle media liaison
 7. A telephone number for the public to call to provide leads and information
- (b) Fax the press release to the local television and radio stations.
- (c) The information in the press release should also be forwarded to the Sheriff's Office Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
1. Emergency Alert System sites (EAS)
 2. California Highway Patrol (CHP)
 3. California Law Enforcement Telecommunication System (CLETS) message to activate the Emergency Digital Information System (EDIS)
 4. FBI local office
 5. Prompt entry of information into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC)
 6. National Center for Missing and Exploited Children, 800-843-5678
- (e) The investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.

334.3 RESPONSIBILITIES

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334.3.1 EMPLOYEE RESPONSIBILITIES

In the event of an assault with a deadly weapon, serious bodily injury or death of an officer, the following procedures designed to alert the media shall be followed.

- (a) The Public Information Officer, Watch Commander or Detective Supervisor will prepare an initial press release that includes all available information which 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 phone number of the Public Information Officer or other authorized individual to handle media liaison
 - 6. A telephone number for the public to call in with leads/information
- (b) Fax the press release to the local television and radio stations.
- (c) The information in the press release should also be forwarded to the Sheriff's Office Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
 - 1. Emergency Alert System sites (EAS)
 - 2. California Highway Patrol (CHP)
 - 3. California Law Enforcement Telecommunication System (CLETS) message to activate the Emergency Digital Information System (EDIS)
 - 4. FBI local office
- (e) The investigation unit supervisor investigating the incident or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the suspect and or suspect vehicle (Government Code § 8594.5).

334.4 AMBER ALERTS

The employee receiving the report shall notify the Watch Commander or appropriate Detective Supervisor as soon as practical. The Watch Commander or Detective Supervisor will then determine whether to inform the media and other allied resources of the incident via an AMBER

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Alert or Blue Alert. The Watch Commander or Detective Supervisor shall promptly notify the Sheriff and the appropriate Division Captain. AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

334.5 BLUE ALERTS

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Office Emergency Communications Bureau facilities and staff can be made available as call takers in the event of high call volume.

If the Watch Commander or Detective Supervisor elects to use the services of the Sheriff's Office, the following will apply:

- (a) Notify the Sheriff's Office Watch Commander of the incident and request for assistance. He/she will provide you with a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Office Watch Commander.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Office will be referred back to this department.

San Joaquin County Sheriff's Office shall assign a minimum of two detectives/deputies to respond to the Sheriff's Office Emergency Communications Division to screen and relay information and 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 Division. Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

334.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older and have been reported missing.

334.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
 - (b) The department has utilized all available local resources.
 - (c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
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- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

334.7 YELLOW ALERTS

Yellow Alerts are notifications related to hit-and-run incidents resulting in the death or injury (Vehicle Code § 20001; Government Code § 8594.15).

334.7.1 CRITERIA FOR YELLOW ALERTS

All of the following conditions must be met before requesting the activation of a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed or has suffered serious bodily injury due to a hit-and-run.
- (b) It is likely the suspect may be seen on a state highway.
- (c) There is additional information concerning the suspect's vehicle, including, but not limited to any of the following:
 - 1. The suspect or the suspect's vehicle can be particularly described (e.g., a complete or partial license plate number)
 - 2. Unique vehicle characteristics (e.g., make, model and color of suspect's vehicle)
 - 3. The identity of the suspect
- (d) Public assistance can mitigate danger to the public or quicken the apprehension of the suspect.

334.7.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

Law enforcement agencies are charged with the responsibility of notifying the victims of violent crimes of their right to indemnification. For the purpose of indemnification by the State of California, the definition of victim shall include (Government Code § 13950 et seq.):

- (a) A person who sustains injury or death as a direct result of a crime.
- (b) A person legally dependent for support upon a person who sustains injury or death as a direct result of a crime.
- (c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment.
- (d) Any individual who legally assumes the obligation or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime.

336.2.1 CRIME DEFINED

Crime shall mean a crime or public offense as defined in Penal Code § 15, which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when such resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death shall constitute a crime of violence for the purposes of this article, except that a crime of violence shall include an:

- (a) Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.
- (b) Injury or death sustained in an accident caused by a driver in violation of Vehicle Code §§ 20001, 23152, or 23153.
- (c) Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he/she knowingly and willingly participated.
- (d) Injury or death caused by a person fleeing from law enforcement in a vehicle (Government Code § 13955(e)(2)(F)).

336.3 CRIME VICTIM LIAISON

Every employee reporting or investigating a crime where a victim has suffered direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a crime or delinquent act will ensure the victim has been provided with information about the

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existence of the local victim centers. This may be accomplished by providing the victim the *Marsy's Card* with the case report number noted on the card (Cal. Penal Code § 679.026). A Victim of Violent Crime form should also be provided if the victim suffered an injury as a direct or proximate cause of that crime.

If for any reason the investigating employee is unable to complete the above notifications such fact shall be noted in the related case report and the notifications should be completed by the assigned detective.

The Records Manager is responsible for obtaining or publishing a *Marsy's Card* as described in Cal. Penal Code § 679.026 and making a sufficient supply of *Marsy's Cards* available. The Sheriff shall appoint a member of the Department from the Investigative Division or his Designee to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the San Joaquin County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 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 his/her 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 San Joaquin County Sheriff's Office jurisdiction (Penal Code § 680.2).

336.3.2 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 their name not be made public. The reporting deputy

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shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293 (a) and (b)).

Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

336.3.3 INVESTIGATIVE RESPONSIBILITY

In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the investigating deputy who later contacts or identifies the victim and/or dependents shall make the necessary advisement. The investigating deputy shall use discretion and tact in making such advisement.

336.3.4 SUPERVISOR RESPONSIBILITY

It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished. The Supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

336.4 CRIME VICTIMS

The Records Manager shall be the designated Victims of Crime Liaison Officer, liaison to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. The Liaison Officer shall carry out the functions required by Government Code § 13962(b) and 2 CCR 649.35 and devise and implement written procedures pursuant to 2 CCR 649.36 in order to notify and provide the required compensation information to victims. The Release of Records and Information Policy in this manual regarding release of reports shall be followed in all cases.

336.4.1 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).

Hate Crimes

338.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (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
- (h) Examples of hate crimes include, but are not limited to:
 - 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
 - 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
 - 3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
 - 4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

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 agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

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Hate Crimes

338.2 POLICY

The San Joaquin County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

338.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

338.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned deputies should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate
 - (b) A supervisor should be notified of the circumstances as soon as practical.
 - (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned deputies should take all reasonable steps to preserve evidence that establishes a possible hate crime.
 - (d) Based upon available information, deputies should take appropriate action to mitigate further injury or damage to potential victims or the community.
 - 1. Deputies should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the deputy once the offense is documented.
 - (e) The assigned deputies should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
 - 1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
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2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned deputies or supervisor may request additional assistance from detectives or other resources.
- (g) The assigned deputies should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned deputies before the end of the shift.
- (h) The assigned deputies will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned deputies should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.
- (i) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or County Counsel Penal Code § 136.2 or Civil Code § 52.1 as indicated).

338.4.1 INVESTIGATIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Investigative Bureau, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Division Policy.
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).
- (f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.
 1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

338.4.2 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding deputies to identify reasonable and appropriate preliminary actions. The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.
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- (b) 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.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning a deputy at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

338.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the San Joaquin County Sheriff's Office and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

340.2 POLICY

The continued employment or appointment of every member of the San Joaquin 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.

340.3 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.

340.3.1 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 department 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, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

340.3.2 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.

340.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment or as authorized by the Sheriff. It is not the intent of this policy to prohibit employees from exchanging sealed alcoholic beverages for consumption off-site as a gift or in recognition of special occasions. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
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- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
 - (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
 - (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
 - (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
 - (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
 - (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the department or subverts the good order, efficiency and discipline of the department or which would tend to discredit any member thereof.
 - (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the department or members thereof.
 - (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
 - (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
 - (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
 - (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
 - (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
 - (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
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- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
 - (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.
 - (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
 - (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the department.
 - (s) Offer or acceptance of a bribe or gratuity.
 - (t) Misappropriation or misuse of public funds.
 - (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
 - (v) Unlawful gambling or unlawful betting on department premises or at any work site.
 - (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the department.
 - (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Sheriff.
 - (y) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.
 - (z) Violating any misdemeanor or felony statute.
 - (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the department or its members.
 - (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
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- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
- (ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

340.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (e) Violating departmental safety standards or safe working practices.

340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

340.4 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.

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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.

340.4.1 DISCIPLINARY ACTION

The following progressive sequence of disciplinary action may be used when administering discipline to an employee:

(a) Counseling

1. Counseling in a broad sense includes any information discussion with an employee designed to assist them to fully develop their skills and abilities. The employee should be allowed to express their thoughts on the subject. These informal discussions may be documented (see attached sample)
2. Documented letters of counseling shall be placed into the divisional file of the employee for a minimum of 6 months and no longer than one year. The decision to remove the letter during the 6-12 month timeframe is at the discretion of the supervisor that documented the counseling. If that supervisor is no longer with the Sheriff's office the request will go to employee's current supervisor.
 - (a) Employees must initiate the request in writing, to the issuing supervisor, to have the letter removed from their divisional file.
 - (b) Before a letter is removed by the supervisor, the division captain shall be noticed that the counseling letter will be removed.
 - (c) If a yearly written evaluation occurs after the issuance of a Letter of Counseling and before the minimum 6 month time frame, the Letter may be pulled at that time upon the written request of the employee and at the discretion of the supervisor who issued the Letter.
3. Counseling is not a part of discipline as defined under Rule 18 of the Civil Service Rules. Letters of counseling cannot be appealed through the Skelly process.

(b) Written Reprimand

1. A written reprimand is a written notice to an employee that disciplinary action will be taken unless their behavior or performance improves within a specified time period.
 2. The written reprimand should contain the following:
 - (a) What occurred.
 - (b) Date and Time of the event.
 - (c) What rule, policy, contract provision, etc., has been violated.
 - (d) What the employee is directed to do to correct the situation (be specific).
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3. All employees will be given an opportunity to read and sign the written reprimand before it is placed into their personnel file. All employees shall have 30 days within which to file a written response to any adverse comment entered into their personnel file.
 4. Letters of reprimand may be issued by Division Captains or designee in a management position after counseling has failed or depending on the severity of the violation(s) of policy. Divisional letters of reprimand are submitted through the 'Discipline Committee'.
 5. Written reprimands are not a part of discipline as defined under Rule 18 of the Civil Service Rules.
 6. Written Reprimands are subject to an Administrative Appeal Hearing with the Undersheriff (or designee), but is not further appealable. All requests for an appeal hearing should be directed to the hearing officer (the Undersheriff or designee) within seven calendar days of receipt of the letter of reprimand.
- (c) Dismissal, Suspension, Demotion, Reduction in Salary
- (a) Dismissal, suspension, demotion, or reduction in salary occur when the employee has not responded to counseling, instruction, or has committed a serious violation requiring immediate punitive action up to and including dismissal, or being placed on administrative leave pending further investigation.

340.5 POST INVESTIGATION PROCEDURES

340.5.1 DIVISION CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Captain of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Division Captain will make a finding regarding the matter under investigation. If it is determined that the matter is sustained, the Division Captain will decide the level of discipline to be imposed. If the level of discipline is a letter of counseling or a letter of reprimand, the discipline will be imposed. Letters of counseling and reprimand are not subject to the disciplinary appeal process as defined by Civil Service Rule 18 (340.10.1). If the Division Captain recommends a level of discipline above this, the matter must go to the Discipline Committee.

- (a) Prior to making a finding, the Division Captain may return the entire investigation to the Internal Affairs Division or the supervisor or manager who conducted the original investigation for further investigation or action.

340.5.2 RESPONSIBILITIES OF THE SHERIFF

The Discipline Committee is comprised of the Division Captain of the affected employee and two other available Division Captains, and is advised by County Counsel. In the circumstance where the involved employee is at the rank of Lieutenant or higher the Disciplinary Committee shall be comprised of the two Assistant Sheriffs with County Counsel present in an advisory capacity. If the Discipline Committee concurs that the investigation is sustained, they will then determine the

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degree of discipline to be administered. The discipline imposed will be served on the employee by their Division Captain or a Lieutenant designee, if the Captain is not available.

Internal Affairs investigators have nothing to do with classification of the case nor any recommendation as to finding. They are not involved in the discipline process.

If an internal affairs investigation is to be classified as sustained, and the action to be taken is other than counseling or written reprimand, the case is forwarded to the Discipline Committee for further review. Should training issues be identified in other than sustained cases, the Division Captain will take the appropriate action.

If the degree of discipline is dismissal, suspension, demotion, or reduction in salary, the Division Captain shall provide the employee with written notice ("Notice of Intent") of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or 3508.1):

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee will be provided with or given access to all of the materials considered by the Discipline Committee in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the hearing officer (Undersheriff or designee) within seven calendar days of receiving the notice of intent to discipline.
 - 1. Upon a showing of good cause by the employee, the Undersheriff may grant a reasonable extension of time for the employee to respond.

If a Disciplinary Committee recommends the level of adverse action to be anything short of termination, the designated hearing officer is the Undersheriff or designee. In cases where a Disciplinary Committee recommends termination, the Sheriff shall be notified of the Skelly hearing. The employee has the right to representation at a Skelly hearing. The employee also has the right to a copy of the Internal Affairs investigation prior to the hearing, which must be requested in writing through the Internal Affairs division.

At the conclusion of the Skelly hearing, the hearing officer will consider any additional information and make a finding that the discipline stands as proposed or is modified after conferring with members of the discipline committee.

340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the department after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

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- (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 offer any additional information or mitigating factors for the hearing officer to consider.
- (d) In the event that the hearing officer elects to have further investigation 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 department on the limited issue(s) of information raised in any subsequent materials.
- (f) Once the employee has completed his/her Skelly response or, if the employee has elected to waive any such response, the hearing officer shall consider all information received in regard to the recommended discipline. The hearing officer shall thereafter render a timely written decision to the employee 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(s) for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the hearing officer has issued a written decision, the discipline shall become effective.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline; rather, the investigation may be suspended pending any further action and/or litigation.

340.8 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) or collective bargaining agreement and personnel rules.

During any post-Skelly administrative appeal, evidence that a deputy has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of penalty. (Government Code § 3305.5).

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340.9 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. This appeal process may be held prior to or within a reasonable time after the imposition of discipline
- (c) At all times during any investigation of allegations of misconduct involving a probationary employee, such employee 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

340.10 ATTACHMENTS

The following items are attached to this policy:

- (a) Civil Service Rule 18
 - (b) Administrative Leave Forms (sworn and non-sworn)
 - (c) Sample Letter of Counseling
 - (d) Sample Letter of Reprimand
 - (e) Notice of Intent to Discipline
 - (f) Notice of Order of Discipline
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340.10.1 CIVIL SERVICE RULE 18

Rule 18. Dismissal, Suspension, Demotion, or Reduction of Salary

(a) Section 1. Reasons for Dismissal, Suspension, Demotion, or Reduction of Salary

1. In the event of dismissal, suspension, or demotion or reduction of salary of any employee in the Classified Service, the Appointing Authority taking such action shall, as prescribed in the Enabling Act, state the reasons therefore. The following reasons shall be deemed sufficient for dismissal, suspension, demotion, or reduction in salary, provided that such action shall not be limited to these reasons and provided that they are adequately documented by evaluation reports or supporting data:

- (a) Absence without leave.
- (b) Conduct unbecoming an employee in the public service.
- (c) Disorderly or immoral conduct.
- (d) Incapacity due to mental or physical disability. A medical examination may be required by the Appointing Authority. The Commission shall in this case designate the physician to make such examination.
- (e) Incompetency or inefficiency.
- (f) Insubordination.
- (g) Intoxication while on duty.
- (h) Neglect of duty.
- (i) Negligence or willful damage to or misuse of public property or waste of supplies or equipment.
- (j) Violation of any lawful or reasonable regulation or order made and given by a superior officer.
- (k) Fraud in securing appointment.
- (l) Dishonesty.
- (m) Addiction to use of narcotics or habit-forming drug.
- (n) Conviction of a misdemeanor or a felony.
- (o) Willful violation of any of the provisions of the civil service law or of these rules.

(b) Section 2. Order of Dismissal, Suspension, Demotion or Reduction in Salary

- (a) a. An employee in the Classified Civil Service may be dismissed, suspended, or reduced in rank or compensation by the Appointing Authority after appointment
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or promotion is complete by written order, stating specifically the reasons of the action and the employee's right of appeal. The appointment or promotion shall not be deemed to be complete until the employee has served the required probationary period of one year. The order shall be immediately filed with the Director of Human Resources and a copy thereof shall be furnished to the person to be dismissed, suspended, or reduced in rank or compensation.

- (b) b. The Appointment Authority may not substitute other forms of disciplinary action for dismissal, suspension, demotion, or reduction of salary. (Rev. 3/21/72)
 - (c) Section 3. Appeal and Answer
 - (a) The employee, within seven (7) calendar days after the order is furnished to the employee, may appeal the order in writing to the Director of Human Resources. The employee, in making the appeal, shall designate in writing whether the matter will be heard by the Civil Service Commission in accordance with Section 4, 4.1, 5, and 8 of this Rule or whether the matter will be submitted to binding arbitration in accordance with Sections 6, 7, and 8 of this Rule. (Rev. 2/28/84)
 - (d) Section 4. Hearing
 - (a) Within twenty days from the filing of the appeal the Commission shall commence a hearing, and either affirm, modify, or revoke the order. The appellant may appear personally, produce evidence, and have counsel and a public hearing. The hearing shall be informal and the Commission shall not be bound by any of the rules of evidence governing trial procedure in State Courts; provided, however, that insofar as determined practicable by the Commission, the hearing shall be conducted in accordance with the provisions of Section 11513 of the Government Code save and except that the employee may be examined and may examine and cause any person to be examined under Section 776 of the Evidence Code. (Rev. 3/21/72)
 - (e) Section 4.1 Withdrawal of Appeal
 - (a) An appellant or his authorized representative may withdraw his appeal without prejudice provided that such withdrawal is filed with the Director of Human Resources at least twenty-four (24) hours prior to the time set by the Commission for the hearing of appeal.
 - (f) Section 5. Findings and Decision
 - (a) The Commission shall, within ten working days after completion of the hearing, determine a verdict. The verdict by the Commission shall specify a finding as to each ground or reason charged. By specific decision the Commission shall affirm, revoke or modify the order and the Appointing Authority shall forthwith enforce and follow the Commission's decision. If it is found that the charges are not supported by the facts, then the employee shall be restored forthwith to his
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previous position with all rights and privileges pertaining thereto and with full back pay for the time lost.

(g) Section 6. Arbitration

- (a) When an employee designates the matter to be determined by arbitration, the timing and procedure of such arbitration shall be established by the agreement of the parties to the arbitration. Unless otherwise agreed, the arbitrator shall be selected from a list of five (5) individuals. Each party shall name two (2) such individuals and the fifth individual shall be a member of the State Office of Administrative Hearings. The parties then shall use a striking procedure to select the arbitrator. The Director of Human Resources shall assist the parties in the administration of the arbitration but shall not be a party to the arbitration or otherwise be involved in the arbitration. The costs of the arbitration shall be borne equally by the parties. (2/28/84).

(h) Section 7. Enforcement of Arbitration Award

- (a) If an award by an arbitrator requires action by the Civil Service Commission or the Board of Supervisors before it can be placed in effect, the Director of Human Resources will recommend to the appropriate body that it act to make such award effective. (2/28/84)

(i) Section 8. Exclusivity of Procedure and Appeal

- (a) An employee shall have the employee's appeal determined by the Civil Service Commission or by arbitration but an employee shall not have the right to have the matter determined by both the Civil Service Commission and arbitration and a matter determined by one procedure may not be appealed through the alternate procedure. The determination by the Civil Service Commission or by arbitration is final and binding upon the parties and any appeal therefrom shall be to a court of competent jurisdiction within ninety (90) days of the decision of the Civil Service Commission or arbitrator. (2/28/84)

(j) Section 9

- (a) Provisions of Sections 6, 7, and 8 of the Rule shall not abridge any rights to which an employee may be entitled under other sections of the Civil Service Rules and Regulations regarding hearings before the Civil Service Commission. (2/28/84)

340.10.2 ADMINISTRATIVE LEAVE FORMS

See attachment: AL-Sworn.pdf

See attachment: AL-Non-Sworn.pdf

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340.10.3 SAMPLE LETTER OF COUNSELING

TO: Name of Employee

FROM: Name of Supervisor

SUBJECT: Conference of (DATE)

This is to summarize our conference on the above date.

A. During this conference the following items were discussed:

1. Use the shortest possible description but be specific and complete.
2. During the conference you stated the following:

B. During the Conference I offered you the following assistance and guidance:

1. Be specific! If offering helpful control techniques, spell them out. Avoid generalizations.
2. Include the names of publications given to the employee, opportunities to visit other locations to observe the work of others, the names of individuals who may assist the employee, and any other assistance you offered to correct the problem.)

C. During the conference you commented as follows (use when necessary):

1. Summarize employee comments.

If this is not an accurate summary of our conference, please notify me in writing within thirty (30) days. If I do not hear from you, I shall assume the above to be an accurate summary of our conference.

The letter of counseling will be in place in the employee's divisional file.

This is a documented letter of counseling and not subject to appeal. It does not become a part of the employee's permanent divisional file.

Supervisor's Signature and Date Employee's Signature and Date

340.10.4 SAMPLE LETTER OF REPRIMAND

DATE

To: (Employee Rank) XXXXXX

From: Captain XXXXXXX

Subject: Letter of Reprimand

You are hereby formally reprimanded for (A brief and concise explanation of the factual circumstances leading up to the written reprimand)

OR:

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You are hereby formally reprimanded for your conduct on ____ (DATE) ____ at ____ (LOCATION) ____, regarding ____ (INTERNAL AFFAIRS INVESTIGATION) _____.
(Be specific and explain detailed reasons for the written reprimand)

As a result of the above situation, this memorandum shall serve as a written reprimand, a copy of which will be placed in your personnel file.

(Identify specific expectations you have for the employee to change, and the help offered to employee in support of the change; i.e. training, professional help, books, etc.)

Further actions or incidents of this nature may result in a more severe form of disciplinary action, up to and including recommendation for dismissal. You have the right to respond in writing (within 30 days) to any adverse comments placed in your personnel file. Any written response will be reviewed and attached to this letter of reprimand. In addition, you are entitled to an Administrative Appeal before the designated Departmental Hearing Officer. The appeal must be requested in writing within seven (7) days of the receipt of this letter of reprimand. This is not a pre-discipline "Skelly Hearing" and may not be appealed beyond the administrative hearing for letters of reprimand.

Received and Acknowledged Contents Date

Served and Discussed Date

cc: Department File

Division File

340.10.5 SAMPLE NOTICE OF INTENT TO DISCIPLINE

See attachment: Notice of Intent to Dismiss-Suspend-Demote.JPG

340.10.6 ORDER OF DISCIPLINE

See attachment: Order of Intent to Dismiss-Suspend-Demote.JPG

Information Technology Use

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

342.1.1 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 San Joaquin 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 department or department 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.

342.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the department in a professional manner and in accordance with this policy.

342.3 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 department computer system.

The department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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However, the department may not require a member to disclose a personal username or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

342.4 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.

342.4.1 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 department computer. Members shall not install personal copies of any software onto any department 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 department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the department 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 department- 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.

342.4.2 HARDWARE

Access to technology resources provided by or through the department shall be strictly limited to department-related activities. Data stored on or available through department 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 department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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342.4.3 INTERNET USE

Internet access provided by or through the department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which 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.

342.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned computers that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

342.5 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 department 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.

342.6 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 department

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Information Technology Use

involving one of its members or a member's duties, an alleged or suspected violation of any department 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 department computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's/correctional officer's job. The purpose of reports is to document sufficient information to refresh the deputy's/correctional officer's memory and to provide sufficient information for follow-up investigation and successful prosecution, or to document circumstances which may be referred to other regulatory agencies, or may potentially result in civil litigation involving the office or county. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 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:
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Report Preparation

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse 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 department-approved alternative reporting method (e.g., dispatch log).

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented by a documented report and/or by using the appropriate approved report:

- (a) Anytime a deputy points a firearm at any person
- (b) Anytime a person is reported missing, regardless of jurisdiction
- (c) Any found property or found evidence
- (d) Any incident involving the death of a human being (see Death Investigations Policy in this manual)
- (e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy in this manual)
- (f) All protective custody detentions

344.2.3 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

344.2.4 MISCELLANEOUS INJURIES

Any injury that is reported to this department 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
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Report Preparation

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.2.5 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 Division shall notify the California Department of Public Health (CDPH) of the incident, on a form provided by the state. Forms may be obtained from the CDPH website (Penal Code § 23685).

344.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all deputies/correctional officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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Report Preparation

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS

The Case Management Unit shall review reports for content and accuracy. If a correction is necessary, the reviewing sergeant shall notice the reporting deputy and immediate supervisor of the reasons for rejection. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner as determined by the Case Management Sergeant.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division 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 Division may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, 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 Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Initial media requests for confirmation of an incident may be handled by the on-duty watch commander. Such confirmation shall consist of the general nature of the incident, the thousand block location of occurrence, and that the public information officer will provide appropriate information as soon as details are available.

Any media request for specific information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a Watch Commander or the designated department media representative;
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;
- (c) No member of this department shall make any comment(s) to the media regarding any law enforcement incident not involving this department when the employee's speech relates to specialized knowledge or experience acquired through the employee's employment without prior approval of the Sheriff.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities 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.
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News Media Relations

- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. 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 department Public Information Officer or other designated spokesperson.
 - 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers 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 should be contacted (14 CFR § 91.137).
- (c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee (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.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news 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 minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The department maintains daily information logs of significant law enforcement activities that are available via the Sheriff's website. This log will generally contain the following information:

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- (a) The 24 hour booking log
- (b) Who is in custody
- (c) Sheriff's activity log

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in these logs shall be referred to the designated department 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 (Government Code § 6250, et seq.)

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See the Personnel Files Policy)
 - 1. The identities of deputies involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved deputy or upon a formal request filed and processed in accordance with the Public Records Act.
 - (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)
 - (c) Criminal history information
 - (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
 - (e) Information pertaining to pending litigation involving this department
 - (f) Information obtained in confidence
 - (g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
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Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor or divisional administrative staff shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the divisional administrative staff. The divisional administrative staff shall maintain a log of all department subpoenas and provide a copy of the subpoena to each involved employee.
 - (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
 - (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the divisional administrative staff, as well as a copy to the individually named employee.
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- (d) The employee shall contact the entity requesting the employee's appearance no less than 24 hours prior to appearance date to confirm the actual date and time they are needed in court. This shall be noted on any overtime form requesting compensation.

348.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and/or regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the divisional administrative staff or the Watch Commander of his/her absence. It shall then be the responsibility of the divisional administrative staff to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the divisional administrative staff shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

348.2.5 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty, not related to their employment with San Joaquin County Sheriff's Office shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.6 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline, as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS

The department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the department will also reimburse employees for reasonable and necessary travel expenses.

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The department will receive reimbursement for the employee's compensation through the civil attorney of record who subpoenaed the deputy.

This service will be coordinated by Internal Affairs.

348.3.1 PROCEDURE

To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the department's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the employee or department is not a party without properly posted fees pursuant to Government Code § 68097.6.

department members shall not accept a civil subpoena unless it is approved by Internal Affairs. Anyone attempting to serve a civil subpoena is to be referred to Internal Affairs for service and coordination.

A department member receiving a civil subpoena in the mail shall not accept the subpoena until after contacting Internal Affairs.

If contacted by an attorney or an attorney's investigator regarding an interview on a civil matter, department members shall refer them to internal Affairs for scheduling and response.

348.3.3 PARTY MUST DEPOSIT FUNDS

The party in the civil action that seeks to subpoena a deputy must deposit the statutory fee of \$275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the deputy make multiple appearances must make an additional deposit in advance.

348.3.4 CIVIL SUBPOENA ACCEPTANCE PROCESS

When a civil subpoena is issued and signed by the attorney of record and is presented for service accompanied with a deposit, the following steps are followed:

- (a) The person delivering the subpoena is directed to the Civil Division where a "validation" stamp is placed on the subpoena and the deposit is collected.
 - (b) The person delivering the subpoena is then directed to the Internal Affairs Division where a member of that division accepts service of the subpoena, and:
 1. The appearance date is checked to ensure sufficient time for service and appearance.
 2. The "Civil Subpoena Witness" form is attached to the subpoena.
 3. The department member named in the subpoena is served.
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Court Appearance And Subpoenas

Pro Per civil subpoenas must be signed and validated by a clerk of the court. If fees are due, it is processed in the same manner as other civil subpoenas. If fees are waived by the court, it bypasses the Civil Division and goes directly to Internal Affairs.

348.3.5 NON-JOB RELATED CIVIL SUBPOENAS FOR DEPARTMENT MEMBERS

Non-job related civil subpoenas for department members are accepted at a divisional level under the following conditions:

- (a) When the issuer of the subpoena can show proof of three (3) unsuccessful attempts to serve the department member.
- (b) When the only address for the department member available to the issuer of the subpoena is the Sheriff's Office.

When the above conditions are met, the subpoena will be accepted at the division level and the department member will be served. During the service of the subpoena to the department member, the privacy of the department member must be strenuously protected.

348.3.6 CIVIL SUBPOENAS REQUESTING EMPLOYEE INFORMATION

- (a) Training Records - refer to the Training Division
- (b) Employment or personnel information - refer to Human Resources
- (c) Civil Subpoena Duces Tecum - refer to the Records Division

348.3.7 CIVIL SUBPOENAS ISSUED BY A DISTRICT FEDERAL COURT

These subpoenas are to be directed to the Internal Affairs Division with no involvement at all with the Civil Division.

A check for the federal fee will usually be made out to the department member under subpoena. The employee must sign the check over to San Joaquin County since the actual payment of the employee costs will come out of county funds.

348.3.8 EMPLOYEE REIMBURSEMENT OF COSTS FOR CIVIL SUBPOENAS

After complying with a civil subpoena, a department member will:

- (a) On-duty members in county appearance locations:
 - 1. Complete the "Civil Subpoena Witness" form and return it to the Internal Affairs Division.
 - 2. Mileage and meals are not reimbursable for civil court appearances in county.
 - (b) On-duty members out of county location
-

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1. Complete the "Civil Subpoena Witness" form and return it to the Internal Affairs Division. If a personal or a county vehicle is used for transportation, include the mileage for the round trip.
 2. Complete a San Joaquin County Expense form for any lunch expense incurred. Turn in to Internal Affairs Division.
 3. Submit an overtime form to Internal Affairs for any time over and above normal work hours.
- (c) Off-duty members in county location
1. Complete the "Civil Subpoena Witness" form and return it to the Internal Affairs Division.
 2. Mileage and meals are not reimbursable for civil court appearances in county.
 3. Complete an overtime form and turn it in to Internal Affairs.
- (d) Off-duty members out of county location
1. Complete the "Civil Subpoena Witness" form and return it to the Internal Affairs Division. If a personal vehicle is used for transportation include the mileage for the round trip.
 2. Complete a San Joaquin County Expense form for lunch expenses incurred and turn into Internal Affairs Division.
 3. Submit an overtime form to the Internal Affairs Division.

348.4 OVERTIME APPEARANCES

If an employee has a subpoena, they shall call and confirm that they are still needed and they shall be compensated 15 minutes for this phone call, if off-duty at the time of the confirmation. If the employee appeared on his/her off-duty time, he/she shall attach a copy of the subpoena with their overtime form noting whether or not they testified in the court proceeding.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

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348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Sheriff (through the chain of command), District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
 - (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
 - (c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.
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Reserve Deputies

350.1 PURPOSE AND SCOPE

The San Joaquin 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.

350.2 SELECTION & APPOINTMENT OF SHERIFF RESERVE DEPUTIES

The San Joaquin 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.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular sheriff's deputies before appointment.

Before appointment to the Sheriff's Reserve Unit, an applicant must have the appropriate level of training for reserve deputies at the service level applied for. Reserve Deputies must have completed a POST approved basic academy or extended basic academy, or a modular academy specific to the level of Reserve Service applied for.

350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

350.2.3 COMPENSATION FOR SHERIFF RESERVE DEPUTIES

All reserve deputy appointees are issued all designated safety equipment. All property issued to the reserve deputy shall be returned to the department upon termination or resignation.

350.2.4 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).

350.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Division. Reserve deputies may be assigned to augment (not to supplant) other areas within the

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Reserve Deputies

department as needed. Reserve deputies are required to work an average of two (2) shifts per month or twenty-four (24) shifts per year.

350.3.1 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.

350.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

350.3.3 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 training evaluations are completed
- (e) Monitoring individual reserve deputy performance
- (f) Monitoring overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

350.4 FIELD TRAINING

Penal Code § 832.6(a)(2) requires Level I reserve deputies, who have not been released from the immediate supervision requirement per Policy Manual § 350.4.7, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

The Sheriff's Office requires all reserve deputies to complete a field training program of 360 hours during their first year of service.

350.4.1 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Reserve Field Training Manual at the beginning of his/her Reserve FTO Program. This manual is an outline of the subject matter and/or skills necessary to properly function as a reserve deputy with the San Joaquin 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.

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Reserve Deputies

350.4.2 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Reserve FTO Program, the FTO Training Sergeant and Lieutenant 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 be released from the Reserve FTO program. If he/she has not progressed satisfactorily, the Training Lieutenant will determine the appropriate action to be taken.

350.4.3 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed the Reserve FTO program, he/she will have had a minimum of 360 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 under the immediate supervision of a regular deputy or authorized Level I Reserve Deputy.

350.5 SUPERVISION OF RESERVE DEPUTIES

Reserve deputies shall be under the immediate supervision of a regular sworn deputy or an authorized qualified Reserve Level I Deputy(Penal Code 832.6(a)(2)). 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 Captain.

350.5.1 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.

350.5.2 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

350.5.3 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies will be issued a uniform badge and a 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.

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Reserve Deputies

350.5.4 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this department.

350.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation will be handled as any other complaint received by this department would be pursuant to Policy Section

Reserve deputies are considered volunteers. 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.

350.5.6 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 he or she completes the entire Reserve FTO Program. Reserves who have completed their field training will then be evaluated annually by the Reserve Coordinator.

350.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve deputy as having peace officer powers during his/her assigned tour of duty, provided the reserve deputy qualifies or falls within the provisions of Penal Code § 832.6.

350.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve deputies to carry a loaded firearm while on duty. It is the policy of this department to allow reserves to carry department issued firearms only and only while on duty. Department issued weapons will be secured in a gun locker at the Sheriff's Office when reserve deputies are not on duty.

350.6.2 CONCEALED FIREARMS PROHIBITED

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity except those reserve deputies who possess a valid CCW permit.

When a reserve deputy has satisfactorily completed the Reserve FTO Program (as outlined in Policy Manual § 350.4), he/she may apply for a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Sheriff. Once issued, the concealed weapon permit will be valid only for as long as the reserve deputy remains in good standing with the San Joaquin County Sheriff's Office Reserve Deputy Program.

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Reserve Deputies

350.6.3 RESERVE DEPUTY FIREARM TRAINING

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual.

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Parole and Probation Violations

351.1 POLICY

Officers of the San Joaquin County Sheriff's Office will not book a person for violation of parole or probation without a warrant unless written clearance is obtained from the agency involved.

351.2 PROCEDURE FOR STATE PAROLEES

(a) Determination of Parole Status

1. Weekdays, Monday-Friday, 8:00 AM-5:00 PM:
 - (a) Call Stockton unit of State Parole at [REDACTED].
 1. Stockton unit can identify local parole status as well as statewide system status.
2. After hours and weekends:
 - (a) If arrestee is local parolee, call [REDACTED] (local parole answering service) to determine assigned local agent and status.
3. If parolee is uncooperative or is assigned to office in another area, call 24-hour State Parole Headquarters [REDACTED] for determination of status and assigned agent.

(b) Authority to Book for Parole Violation

1. If the arrestee's parole officer or the on-call State Headquarters officer determines that a parole "HOLD" should be placed against an arrest who has been arrested for a criminal offense, the arresting officer must request written authority to lodge the "HOLD" (3000.08(C) P.C. or 3151 W.I.).
2. The parole officer or State designee will teletype written authorization to the County Jail to place a 3000.08(C) P.C. or 3151 W.I. HOLD against the arrestee.

(c) Juvenile Parolees (CYA)

1. Weekdays, Monday-Friday, 8:00 AM-5:00 PM:
 - (a) Call CYA office at [REDACTED].
 2. After hours and weekends:
-

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- (a) Call the CYA CLETS at [REDACTED]. They can and will place holds per 1763 W.I.

351.3 PROCEDURE FOR FEDERAL PAROLEES AND PROBATIONERS

- (a) Determination of Federal Parole or Probation Status
 - 1. Officers can call the United States Marshal Service in Sacramento at (916) 498-5490 for service or leave a message after 1630 hours or weekends.
 - 2. Federal parole and probation officers CAN place a HOLD against a federal probationer or a person released on Federal "supervised release" without a Federal warrant (HOLD is valid for 48 hours).
 - NOTE: A Federal probationer is not searchable without the Federal agent being present. This applies even if the probationer has a search clause.
 - 3. Federal parole officers CANNOT place a HOLD on a Federal parolee without a Federal warrant.
- (b) Federal Parole has a new term called "Supervised Release" which is very similar to Federal Probation and is handled the same way.

351.4 PROCEDURE FOR LOCAL PROBATIONERS

- (a) Determination of Probation Status
 - 1. Adults
 - (a) For information on probationers or suspected probationers:
 - 1. During business hours call the Probation Department at [REDACTED].
 - 2. During non-business hours call Pre-Trial Services at [REDACTED].
 - 2. Juveniles
 - (a) For information on probationers or suspected probationers:
 - (a) During business hours call Juvenile Probation at [REDACTED].
-

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- (b) During non-business hours call Juvenile Hall at [REDACTED] or a "law enforcement only line" [REDACTED].
- (b) Authority to Book Adult Arrestee for Probation Violation
 - (a) If arrestee's probation officer determines probation violation HOLD is warranted, the probation officer or Juvenile Hall Central Control designee will teletype written authorization to County Jail to place a 1203.2 P.C. HOLD against the arrestee.
 - (b) If an arrestee is on probation from another jurisdiction, the arresting officer shall contact a San Joaquin County probation officer or Juvenile Hall Central Control for determination of status and disposition.

351.5 NOTIFICATION TO PAROLE OR PROBATION AGENCY

When it comes to the attention of an officer that an arrestee is on parole or probation, a copy of the documented report is to be routed to the respective agency.

Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to deputies in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

352.1.1 ASSISTING OUTSIDE AGENCIES

When an authorized employee of an outside agency within San Joaquin County requests the assistance of this Office, available deputies may respond and assist, as approved by the Patrol Field Supervisor. If a deputy receives a request in the field for assistance, that deputy shall notify a supervisor as circumstances allow. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the requesting agency. Only in exceptional circumstances will this department provide transportation of arrestees for other agencies (excluding previously arranged operations).

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions as circumstances allow prior to contacting the Law Enforcement Mutual Aid Coordinator.

352.2 MUTUAL AID REQUESTS

Mutual aid is a process in which assistance is coordinated when the requesting agency's resources are not sufficient to handle the response to the event.

In California Mutual Aid is governed by the Master Mutual Aid Agreement. Pursuant to this agreement each county is an individual operational area. Counties are grouped into regions. San Joaquin County is in Region IV. This also includes the counties of Sacramento, Nevada, El Dorado, Alpine, Stanislaus, Yolo, Amador, Placer, Calaveras and Tuolumne.

The departmental coordinators for Mutual Aid are the Administrative Lieutenant of Patrol for Operational Requests and the Administrative Lieutenant of Investigations for Coroner's requests. All requests for mutual aid shall be routed to the appropriate coordinator.

352.3 REQUESTS FOR ASSISTANCE FROM OUTSIDE OF SAN JOAQUIN COUNTY

Requests for assistance from an agency outside of San Joaquin County requires the approval of a Lieutenant or higher ranking officer.

Field Forces Holding

355.1 POLICY

All law enforcement officers armed with firearms shall secure their weapons prior to any interview and/or controlled examination of any suspect/person being detained or in the custody of the officer(s) while in the Sheriff's Operations Center.

355.2 HOLDING CELL UTILIZATION

The officer(s) placing an arrestee/detainee in the holding cell at the Sheriff's Operations Center will be responsible for supervising that person.

The primary purpose of this holding cell is to temporarily hold an arrestee/detainee.

The officer(s) placing a person in the holding cell shall visually check on the welfare of the person being held every 15 minutes.

The officer(s) placing the arrestee/detainee in the cell shall supervise that person constantly if he/she exhibits any of the following types of behavior:

- Appears to be under the influence of drugs and/or alcohol.
- Person's behavior leads officer(s) to believe the person held may have psychiatric problems.
- The person is injured and will have to be cleared by the hospital prior to being booked into custody.
- The person being held talks about suicide and/or hurting themselves.
- Knowledge that the person being held is an escape risk.
- An inmate with a "high risk/dangerous" custody classification.

355.2.1 JUVENILE DETAINEES

A juvenile arrested or detained for investigation and placed in any holding cell, locked room, or enclosure (patrol vehicle excluded), shall be done so pursuant to Policy Section 324 until booked into a juvenile facility.

Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the San Joaquin County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

356.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

The Investigative CASA 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 (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

356.4 MONITORING OF REGISTERED OFFENDERS

The Investigative CASA 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.
-

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- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Investigative CASA Unit Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to San Joaquin County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the San Joaquin County Sheriff's Office's website. Information on sex registrants placed on the San Joaquin 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 (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

356.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name
 - (b) The offender's known aliases
 - (c) The offender's sex
 - (d) The offender's race
 - (e) The offender's physical description
 - (f) The offender's photograph
 - (g) The offender's date of birth
 - (h) Crimes resulting in the registration of the offender under Penal Code § 290
 - (i) The date of last registration
-

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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).

356.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
 - (b) The information is provided as a public service and may not be current or accurate.
 - (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
 - (d) The crime for which a person is convicted may not accurately reflect the level of risk.
 - (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
 - (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).
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Major Incident Notification

358.1 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.

358.2 POLICY

The San Joaquin County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff 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 San Joaquin official
- Arrest of a department employee or prominent San Joaquin official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

358.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the cellular number first and then by any other available contact numbers.

358.4.1 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 Lieutenant if that division is affected.

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358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the Investigations Lieutenant shall be contacted who will then contact the appropriate detective sergeant and he/she will contact detective personnel to respond.

358.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

360.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner 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.

360.2.2 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.

360.2.3 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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360.2.4 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.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division of the appropriate jurisdiction shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

360.2.7 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)).

Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of 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.
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362.3 INVESTIGATIVE CONSIDERATIONS

Identity Theft usually involves multiple victims, has a large dollar loss, is often used by organized criminal groups, and is associated with other crimes such as mail theft/fraud, auto theft, financial elder abuse, burglary, terrorism, drug trafficking, homicide, financial fraud such as money laundering, mortgage fraud, weapons tracking, computer crime/Internet intrusions, and any other crime where personal information is obtained.

362.3.1 WHAT TO DO

Take a report - this is vital to victims because credit bureaus require a police report to block fraudulent information and begin repairing victims credit reports. (It is required that we SHALL take a report if we have jurisdiction over the victims' actual residence 530.6(a) PC).

Be aware on the street during field interviews and traffic stops - know what to look for such as credit cards, bank statements, stolen mail or mail in different names or addresses, lists of credit card or account numbers, multiple identification cards or drivers licenses, computers, skimmers, multiple checks, various software programs (such as VersaCheck), etc. These could all be indicators of involvement with identity crimes.

362.3.2 ASSISTING VICTIMS

The best way to assist victims is by giving them the resources they need to recover from these crimes. Give the victim an "Identity Theft Resource Guide." This includes telephone numbers for them to contact all three credit bureaus, and a sample letter to send to creditors.

Give the victim a copy of "Fraudulent Account Information Request" form. (CA Financial Code 22470, 4002, Civil Code 1748.95 and Penal Code 530.8 allow the victim to have a copy of application, personal information used with creditors to open credit using the victims information).

Have the victim contact Records Division to obtain a copy of their report. (Explain to the victim that it may take a few days for the report to be typed).

362.3.3 FOLLOW-UP INVESTIGATION

If the victim resides in the Sheriff's Office jurisdiction we are required by law to take their report (530.6(a) PC). If the crime occurred in a different jurisdiction, have the report routed to that jurisdiction. (Explain this to the victim and document this at the end of your crime report). This does NOT mean that we do not do any follow-up on the report. Determine if the victim, merchants or banks made a police report to any other jurisdiction. Get any case numbers, dates, and contact information. Determine how much of the victim's personal information was used to commit the ID Theft or fraud, including their Social Security Number, Driver's License Number, DOB, address, bank account #'s, or any other unique victim information). How was the victim's information used by suspect (i.e. false DL created using (V) information, and with (S)photo, counterfeit checks made, fraud accounts opened, etc.

Discuss with the victim the possible methods that suspect may have obtained their personal information. Mail stolen? Home or vehicle burglarized? Recently opened any new accounts? Where last used any credit cards that were compromised?

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Determine the time frame of the fraud. Earliest known date, up to and including the date of report. Contact/call merchants, banks or card issuers to verify account information and losses reported by victim.

Determine if there is any additional evidence (i.e. video surveillance, original documents, check cashing photo systems, etc.). Post Office (P.O.) Boxes, or mail drops (i.e. Postal Centers) may be used by the suspect(s) to receive merchandise purchased from stolen checks, credit cards, etc. The US Post Office, and/or mail drops are required by law to obtain a photo identification and physical address for anyone opening a P.O. Box. They are required to give this information to law enforcement. Use the "Address Information Request" form to obtain information from the U.S. Postmaster at the Post Office, or from the postal centers.

Conduct research on any local (San Joaquin County) addresses. Find out who resides at the residences. Are there any prior reports with the address, or persons named on the address.

Check with records for warrants, is the person on probation or parole (are they searchable).

Make contact with suspects you develop after using the "Address Information Request" form.

Look for evidence, and get statements from these suspects.

362.3.4 CONTACT SUSPECTS

Ask the victim if they have any possible suspect information, and why they feel that person should be listed as a suspect. (i.e. is suspect unknown, a family member, a neighbor, etc.) Follow up any possible leads on suspect information. Check with records for warrants, is the person on probation or parole, are they searchable, what is their criminal history, are there prior reports of ID theft, check fraud, etc.

If there is suspect contact that can be made, then make contact. (i.e. suspect has fraud merchandise sent to address in Stockton, you determine through records checks that this is good information, then make the contact, do not just send the case to SPD).

Interview suspect and make sure to note any spontaneous statements, look for any other "in plain view" evidence of the crime. If suspect is caught in the act, then arrest them (i.e. cashing a stolen check). On other fraud cases, you may need to have the evidence, prior to making arrest (i.e. embezzlement cases). Do not route to Investigations for routine follow-up (going on your days off, or working graveyard is not a valid reason to refer case to Investigations, route the case to CMU to assign to dayshift Patrol).

Route to Investigations if suspect contact is "out of county," there is a large dollar loss, case has media attention, you have exhausted the routine follow-up leads and need assistance with search warrants and more extensive contacts. (If you have questions please contact the Property Sergeant for advice). Also if you do make witness and suspect contacts, list all contact persons, and phone numbers, so that the person taking the case over for you does not have to "guess what you did, or who you called."

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[REDACTED]

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- 470b: Display/Possess forged DL or ID to facilitate Forgery. (F)
 - 475(b): Possess any blank or unfinished check, money order, bank bill, whether real or fictitious, with the intention of completion of the same, to defraud an person, guilty of forgery (F)
 - 484e(a): Sell, transfer or convey access card. (F)
 - 484e(b): Acquire 4 or more access cards. (F)
 - 484e(c): Acquire access card w/intent to use. (M)
 - 484e(d) Acquire/retain possession of access card information with fraud intent (People v. Molina "" possession of another's canceled credit card constitutes possession of a access card).(F)
 - 484f(a): Forge Access card, make alter, emboss or utter counterfeit card. (F)
 - 484f(b): Forge name of another on access card sale slip (F) 484g: Fraudulent use of access card or account info (W); if over \$400 loss. (F)
 - 484j: Publish access card info with intent to defraud. (including Internet, e-mail) (M)
 - 496: Possession of stolen property. (F)
 - 502.7: (Obtain phone (cell) service by fraud. (M)
 - 529a: Make or possess false birth certificate of person living or dead to conceal true identity. (M)
 - 529(a) False Impersonation of another in private or official capacity Real people only. (F)
 - 529.5(c): Possess false DL, ID, etc., made to look like government issued ID/Document. (M)
 - 530.5(a): Person who willfully obtains personal identifying information of another and uses that information for unlawful purpose. (W)
 - 532a (1): Make false financial statement. (W)
 - 368(d) & (e): Theft of Embezzlement from Elder/Dependent Adult by a caretaker (W) if over \$950. (F)
-

Private Persons Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all deputies shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence;
- (b) When the person arrested has committed a felony, although not in his or her presence;
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

364.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)
-

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- (1). The deputy must include the basis of such a determination in a related report.
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

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a 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.

Anti-Reproductive Rights Crimes Reporting

366.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

366.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
 - (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division Commander.
 - (c) By the tenth day of each month, it shall be the responsibility of the Investigation Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
 - 1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
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2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English Proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the San Joaquin County Sheriff's Office, designated by the department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

368.3 LEP COORDINATOR

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the department at no cost or choose to provide their own interpreter services at their own expense. Department

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personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

San Joaquin County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

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368.7 AUDIO RECORDINGS

The department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the department as having the requisite skills and competence, may be requested.

368.9 AUTHORIZED INTERPRETERS

Any person designated by the department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
 - (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
 - (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
 - (d) Knowledge of the ethical issues involved when acting as a language conduit.
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368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the department or some other identified source.

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368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The San Joaquin County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

368.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and

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suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

368.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.16 COMPLAINTS

The department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

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368.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

368.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Captain of Professional Standards shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Captain of Professional Standards shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

Communications with Persons with Disabilities

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

370.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the County ADA Coordinator regarding the San Joaquin County Sheriff's Office's efforts to ensure equal access to services, programs and activities.
 - (b) Developing reports, new procedures, or recommending modifications to this policy.
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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Manager. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
 - (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
 - (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
 - (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.
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370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the San Joaquin County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.6 TYPES OF ASSISTANCE AVAILABLE

San Joaquin County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

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department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.7 AUDIO RECORDINGS AND ENLARGED PRINT

The department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

370.16 COMPLAINTS

The department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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Mandatory Employer Notification

371.1 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.

371.2 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.

371.2.1 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 § 11590 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).

371.2.2 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 § 11590 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).

371.2.3 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 § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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Mandatory Employer Notification

371.2.4 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 § 11590 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Sheriff or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

371.3 POLICY

The San Joaquin County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

371.4 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

374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

374.2 POLICY

The San Joaquin County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

374.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

374.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
 - (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
 - (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.
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Biological Samples

374.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

374.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

374.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

374.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

374.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

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Biological Samples

374.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

374.6.3 LITIGATION

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department 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.

Peer Support Program

377.1 POLICY

The Peer Support Program of the San Joaquin County Sheriff's Office is a voluntary, confidential resource program intended to provide support and assistance to employees in dealing with personal problems before they become acute.

Peer counselors are trained to be effective listeners, to provide feedback, to clarify issues, and to assist the person being counseled to identify options for problem resolution. Peer counselors are NOT therapists. When the problems are already acute or appear to require specialized assistance, information on referral resources will be made available to the person being counseled.

377.2 ADMINISTRATIVE STRUCTURE

The Administrative Liaison for the Peer Support Program will be:

- Captain of the Patrol Division or in his/her absence the Captain of the Investigations Division.
- A counseling professional (psychologist/psychiatrist).

377.3 VOLUNTARY PARTICIPATION

All participation in the Peer Support Program shall be voluntary.

There will be no mandatory referrals of department members to peer counselors nor will peer counselors be ordered to initiate contact with department members.

In order for the program to succeed, CONFIDENTIALITY MUST be as complete as humanly and legally possible.

377.4 CONFIDENTIALITY

The peer counselor shall maintain the confidentiality entrusted to him/her and not discuss any information developed in a peer counseling session.

When a peer counselor has determined that a situation requires specialized assistance, he/she will make the information on the referral resources available to the person being counseled. Again, confidentiality shall be maintained by the contacted person.

The person being counseled shall be advised that confidentiality shall be strictly maintained EXCEPT in these instances:

- Where the information received by the peer counselor must be disclosed by law, i.e., child abuse or criminal conduct.
 - When the peer counselor gathers information by virtue of his/her duty assignment at the time of the incident (i.e., a supervisory officer or other person required by a General Order to investigate or on the orders of a superior).
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Peer Support Program

- When the peer counselor is directly involved as a participant or a witness in a criminal or internal affairs investigation.
- When there is reason to believe that the person being counseled intends to injure himself/herself or others.
- When, due to substance abuse, the person being counseled is a clear and immediate danger to self, citizens or fellow officers.
- In the above cases, an appropriate supervisory officer shall be notified.

A peer counselor shall not be ordered to give information to the department concerning the content of the peer counseling sessions, except in the instances listed above.

377.5 DUTIES OF SUPERVISORY OFFICERS

Supervisory officers who are peer counselors cannot abdicate their supervisory responsibilities when on duty and confronted with misconduct, disciplinary problems, or other improper actions on the part of subordinates.

377.6 DUTY STATUS

The role of the peer counselor shall be to provide assistance in the time of need; but that assistance should not be extended to prolonged periods of time.

377.7 USE OF DEPARTMENT EQUIPMENT AND FACILITIES

Peer support counselors are authorized to use available departmental resources, including the department facilities and equipment.

Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (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 the Adult Abuse policies.

380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The San Joaquin County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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Child and Dependent Adult Safety

380.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. 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 a 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.

380.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any

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child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 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

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should 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.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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380.5 TRAINING

The Captain of Professional Standards is responsible to ensure that all personnel of this department 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

382.1 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).

382.2 POLICY

It is the policy of the San Joaquin 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.

382.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
 - Alerting people who are deaf or hard of hearing.
 - Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
 - Pulling wheelchairs.
 - Providing physical support and assisting with stability and balance.
 - Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
 - Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.
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Volunteer Program

384.1 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.

384.1.1 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.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Patrol Division Captain. 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.

384.2.2 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.

384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References
- (d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the 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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384.2.5 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.

384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.2.7 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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384.3 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.

384.4 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.

384.5 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.

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384.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and 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.

384.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

384.6 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.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the department.

384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Department Use of Social Media

385.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department 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 department (see the Investigation and Prosecution Policy).

385.1.1 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 department website or social networking services

385.2 POLICY

The San Joaquin County Sheriff's Office may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

385.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-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 department social media by members who are not authorized to post should be made through the PIO.

385.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

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Department Use of Social Media

Examples of appropriate content include:

- (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 department 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.

385.4.1 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.

385.5 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 San Joaquin County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, 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 department'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.

385.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

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Department Use of Social Media

The Department may provide a method for members of the public to contact department members directly.

385.6 MONITORING CONTENT

The PIO will appoint a supervisor to review, at least annually, the use of department 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.

385.7 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 department sites.

Gun Violence Restraining Orders

389.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders.

389.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

389.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

389.3 GUN VIOLENCE RESTRAINING ORDERS

A deputy who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, a deputy may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

389.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

A deputy serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
 - (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
-

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Gun Violence Restraining Orders

- (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.

389.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the deputy shall (Penal Code § 18140):

- (a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.
- (b) File a copy of the order with the court as soon as practicable after issuance.
- (c) Ensure the order is provided to the Records Division for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

389.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, 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.
-

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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.

389.6 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by a deputy or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by a deputy, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

389.7 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.

389.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

Native American Graves Protection and Repatriation

390.1 PURPOSE AND SCOPE

This policy is intended 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.).

390.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

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.

390.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, sacred 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.

390.3 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, 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 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- 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

390.4 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 10.6).

Illness and Injury Prevention

393.1 PURPOSE AND SCOPE

The health and safety of the employees of the San Joaquin County Sheriff's Office is important to executive and management staff, and critical to the operation of this department and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the San Joaquin County Sheriff's Office, in accordance with the requirements of 8 CCR § 3203. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring that these guidelines and directives are implemented.

393.2 RESPONSIBILITY

The Sergeant of the Professional Standards Division, acting as the department's IIPP administrator, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

393.3 COMPLIANCE

The Sergeant of the Professional Standards Division is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Sergeant of the Professional Standards Division should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

- a. Informing workers of the provisions of the IIPP.
 - b. Recognizing employees who perform safe work practices.
 - c. Ensuring that the employee evaluation process includes the employee's safety performance.
 - d. Ensuring the department's compliance with mandates regarding:
 1. Bloodborne pathogens (8 CCR § 5193).
 2. Airborne transmissible diseases (8 CCR § 5199).
 3. Heat illness (8 CCR § 3395).
 4. Respiratory protection (8 CCR § 5144).
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Illness and Injury Prevention

Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Conduct Policy.

All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

393.4 COMMUNICATIONS

Supervisors shall establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

- (a) 1. The Sergeant of the Professional Standards Division will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
 - (a) 1. New worker orientation, including a discussion of safety and health policies and procedures.
 - 2. Regular employee review of the IIPP.
 - 3. Workplace safety and health training programs.
 - 4. Regularly scheduled safety meetings.
 - 5. Posted or distributed safety information.
 - 6. A system for workers to anonymously inform management about workplace hazards.
 - 7. Establishment of a labor/management safety and health committee, which will:
 - (a) Meet regularly.
 - (b) Prepare a written record of the safety and health committee meeting.
 - (c) Review the results of periodic scheduled inspections.
 - (d) Review investigations of accidents and exposures.
 - (e) Make suggestions to management for the prevention of future incidents.
 - (f) Review investigations of alleged hazardous conditions.
 - (g) Submit recommendations to assist in the evaluation of employee safety suggestions.
 - (h) Assess the effectiveness of the department's efforts to meet the following mandates:
 - (a) Bloodborne pathogens (8 CCR § 5193)
 - (b) Airborne transmissible diseases (8 CCR § 5199)

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- (c) Heat illness prevention (8 CCR § 3395).

393.5 HAZARD ASSESSMENT

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards utilizing the applicable sections of the Hazard Assessment Checklist to ensure a thorough inspection. These checklists can be found at on the California Department of Industrial Relations website.

393.5.1 PSD SERGEANT INSPECTION DUTIES

The Sergeant of the Professional Standards Division shall ensure an Identified Hazard and Correction Record (located on the California Department of Industrial Relations website) is completed for each inspection.

393.5.2 PATROL DEPUTIES INSPECTION DUTIES

Deputies are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment prior to working in the field. Deputies shall complete an Identified Hazard and Correction Form if an unsafe condition cannot be immediately corrected. Deputies should forward this report to their supervisor.

393.5.3 SUPERVISOR ASSESSMENT DUTIES

Supervisor should inform Sergeant of Professional Standards Division when the following occurs:

- New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.
- New and/or permanent or intermittent workers are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
- Whenever workplace conditions warrant an inspection.

The Sergeant of Professional Standards Division will take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

393.6 ACCIDENT/EXPOSURE INVESTIGATIONS

Employees must report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor. A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- A visit to the accident scene as soon as possible.
 - An interview of the injured worker and witnesses.
 - An examination of the workplace for factors associated with the accident/exposure.
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- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.
- A record of the findings and corrective actions taken, using the Investigation/Corrective Action Report (<http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf>).

393.7 HAZARD CORRECTION

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisor).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. Hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazard and Correction Form. This should be forwarded to the Sergeant of the Professional Standards Division via the chain of command.

393.8 TRAINING AND INSTRUCTION

The Sergeant of the Professional Standards Division shall work with the Captain of the Professional Standards Division to ensure that all workers, including supervisors, are trained on general and job-specific, workplace safety and health practices. Training shall be provided as follows:

- To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
 - To all workers given new job assignments for which training has not previously been provided.
 - Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
 - Whenever the department is made aware of a new or previously unrecognized hazard.
 - To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
 - To all workers with respect to hazards that are specific to each employee's job assignment.
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Illness and Injury Prevention

- An explanation of the department's IIPP, emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
- The use of appropriate clothing, including gloves, footwear and personal protective equipment.
- Information about chemical hazards to which employees could be exposed.
- The availability of toilet, hand-washing and drinking-water facilities.
- Provisions for medical services and first aid, including emergency procedures.
- Steps to prevent heat illness (8 CCR § 3395).

393.9 RECORDKEEPING

The Sergeant of the Professional Standards Division will do the following to implement and maintain IIPP records:

- (a) Make available the Identified Hazards and Correction Record Form to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.
- (b) Make available the Investigation/Corrective Action Report (<http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf>) to document individual incidents or accidents.
- (c) Develop a Worker Training and Instruction Form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- (d) Retain inspection records and training documentation for a minimum of one year.

393.10 TRAINING SUBJECTS

The Sergeant of the Professional Standards Division should work with the Captain of the Professional Standards Division to ensure training is provided on the following topics:

- Driver safety
 - Safe procedures for handling, cleaning and/or storing weapons
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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division in responding to calls for service and pro-active policing utilizing a Community Oriented Policing style.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas within San Joaquin 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, and Crime Prevention Through Environmental Design, 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 (COPPS) activities such as citizen assists and individual citizen contacts at community function such as town hall meetings, chambers of commerce, schools, Municipal Area Councils, etc.
- (g) The sharing of information between Patrol and other divisions within the Office, as well as other outside governmental agencies either through direct contact or through the ARIES system
- (h) The application of resources to specific problems or situations within the communities, which may be improved or resolved by Community Oriented Policing and Problem Solving (COPPS) strategies
- (i) Traffic direction and control
- (j) Coroner's Investigations

400.1.2 TERRORISM

It is the goal of the San Joaquin 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

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Patrol Function

Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigative Bureau Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the San Joaquin County Sheriff's Office.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange in accordance with policy section 800.

400.2.2 CRIME REPORTS

A documented report may be completed by any patrol deputy who receives criminal information. Patrol deputies shall conduct as complete an investigation as possible based on initial information available. Reports are then reviewed by the Case Management Unit and will be forwarded appropriately for retention, follow-up investigation, or criminal prosecution. Reports shall be released in accordance with Section 810, Release of Records and Information.

400.2.3 PATROL ROLL CALL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol Roll Call Briefings as time permits.

400.2.4 INFORMATION BRIEFING BOARDS

Informational briefing boards will be maintained in the briefing room, and appropriate location of each division, and will be available for review by deputies and Correctional Officers from all divisions within the department. These will include, but not be limited to, the patrol check briefing board, the wanted persons briefing board, and the written directive briefing board.

400.2.5 BULLETIN BOARDS

A bulletin board will be kept in the briefing room, Custody Division and the Investigations Division for display of suspect information, intelligence reports and photographs. New Interim Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Interim Directive will be placed on the briefing room briefing board.

Materials that are of a harmful or offensive nature are not to be posted on any departmental bulletin board.

400.3 POLICY

The San Joaquin 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 department members.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the San Joaquin 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 department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.2 POLICY

The San Joaquin County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL- OR BIAS-BASED PROFILING POLICING PROHIBITED

The practice of racial/bias based profiling is illegal and will not be tolerated by this department (Penal Code § 13519.4(f)).

- (a) It is the responsibility of every member of this department to prevent, report, and respond appropriately to clear discriminatory or biased practices.
 - (b) Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.
 - 1. To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the contact.
 - 2. Nothing in this policy shall require any deputy to prepare documentation of a contact that would not otherwise involve such reporting.
 - 3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by a deputy in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).
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Bias-Based Policing

The San Joaquin County Sheriff's Office will investigate all complaints of alleged racial/bias based profiling complaints against its members. Employees found to be in violation of this policy are subject to discipline in accordance with this department's disciplinary policy.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

402.4 MEMBER RESPONSIBILITY

- (a) All deputies/correctional officers of this department will be scheduled to attend POST and/or STC approved training on the subject of racial profiling.
- (b) Pending participation in such POST approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of our community.
- (c) Each member of this department undergoing initial POST approved training will thereafter be required to complete an approved refresher course every five years or sooner if deemed necessary in order to keep current with changing racial and cultural trends (Penal Code §13519.4(i)).

402.4.1 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 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 San Joaquin County Sheriff's Office is the primary agency, the San Joaquin County Sheriff's Office deputy shall collect the data elements and prepare the stop data report (11 CCR 999.227).

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Bias-Based Policing

402.5 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 Digital Computer (MDC) data and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings 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 department who discloses information concerning bias-based policing.

402.6 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 Division Policy.

Roll Call Briefing Training

404.1 PURPOSE AND SCOPE

Roll Call Briefing training is generally conducted at the beginning of the deputy's assigned shift. Roll Call Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call Briefing; however deputies may conduct Roll Call Briefing for training purposes with supervisor approval.

Roll Call 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/Training Bulletins or changes in Interim Directives/Training Bulletins
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call 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.

404.3 RETENTION OF ROLL CALL BRIEFING TRAINING RECORDS

Roll Call Briefing training materials and a curriculum or summary shall be forwarded to the Captain of the Professional Standards Division for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the San Joaquin 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.

406.3 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.

406.4 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.
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Crime and Disaster Scene Integrity

406.5 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 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.

406.5.1 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.

406.6 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).

Critical Response Team

408.1 PURPOSE AND SCOPE

The Critical Response Team (CRT) is comprised of two specialized teams: the Hostage Negotiation Team (HNT) and the Special Weapons and Tactics Team (SWAT). The Critical Response Team has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Critical Response Team 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.

408.1.2 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.

408.2 SECTION TITLE

408.3 POLICY

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

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incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

408.3.1 POLICY CONSIDERATIONS

The SWAT Lieutenant will conduct a needs assessment 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 Patrol Captain.

408.3.2 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.

408.3.3 OPERATIONAL PROCEDURES

This department 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 CRT 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.
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- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When possible, briefings should include the specialized units and supporting resources.
 - (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
 - (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
 - (e) The appropriate role for a trained negotiator.
 - (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
 - (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
 - (h) Post incident scene management including:
 - 1. Documentation of the incident.
 - 2. Transition to investigations and/or other units.
 - 3. Debriefing after every deployment of the SWAT team.
 - (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) When appropriate, debriefing will not be conducted until involved deputies have had the opportunity to individually complete necessary reports or provide formal statements.
 - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
 - (d) When appropriate, debriefing should include specialized units and resources.
 - (i) Sound risk management analysis.
 - (j) Standardization of equipment deployed.
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408.4 TRAINING NEEDS ASSESSMENT

The SWAT/CRT 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).

408.4.1 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.

408.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

408.4.3 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.

408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CRT Lieutenant. The CRT Lieutenant 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
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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 CRT Lieutenant. 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.

408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

408.4.6 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.

408.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit and the CRT Lieutenant. 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.

408.5 UNIFORMS, EQUIPMENT, AND FIREARMS

408.5.1 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.

408.5.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

408.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

408.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The Lieutenant of the CRT shall be selected by the Sheriff upon recommendation of Patrol Captain.

408.6.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Patrol Division Captain, the Critical Response Team shall be managed by a lieutenant.

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408.6.2 TEAM SUPERVISORS

The Hostage Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the CRT Lieutenant with final approval of the Patrol Captain.

The following represent the supervisor responsibilities for the Critical Response Team.

- (a) The Hostage Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRT Lieutenant.
- (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 CRT Lieutenant.

408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Hostage Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Hostage Negotiation Team.

408.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, may participate in the selection process as applicants as openings occur. 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.

408.7.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the Hostage Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

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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 Hostage Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

408.8 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.

408.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a Memo of Interest through the chain of command to the Division Captain, a copy of which will be forwarded to the CRT Lieutenant. 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 CRT Lieutenant. 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 CRT Lieutenant. Applicants will be evaluated by the following criteria:
 - 1. Recognized competence and ability as evidenced by performance;
 - 2. Demonstrated good judgment and understanding of critical role of SWAT member;
 - 3. Special skills, training, or appropriate education as it pertains to this assignment; and,
 - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
 - (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CRT Lieutenant. 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 passing score must be achieved.
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- (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 the Patrol Captain, by the CRT Lieutenant, for final selection.

408.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CRT Lieutenant. 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.

408.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

[REDACTED]

408.9.1 ON-SCENE DETERMINATION

[REDACTED]

408.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

[REDACTED]

408.9.3 OUTSIDE AGENCY REQUESTS

[REDACTED]

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408.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

[REDACTED]
[REDACTED]
[REDACTED]

408.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
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[REDACTED]

408.9.6 FIELD UNIT RESPONSIBILITIES

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

[REDACTED]

408.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

[REDACTED]

Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens and department members to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The San Joaquin County Sheriff's Office Ride-Along Program is offered to residents of unincorporated San Joaquin County, students, applicants for employment with the Sheriff's Department and those employed by San Joaquin County, or their immediate family. 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 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the department
- Denial by any supervisor
- Prior ride-along in a calendar year

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 0600 to 0200 hours. Exceptions to this schedule may be made as approved by the Sheriff, Division Captain, or Watch Commander.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Administrative Lieutenant. 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 Patrol Administrative Lieutenant 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, the Patrol Administrative Lieutenant will contact the applicant and advise him/her of the denial.

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Ride-Along Policy

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once annually. An exception would apply to Sheriff's personnel, department members and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for sheriff's cadets are covered in Policy Manual § 1048, "Sheriff's Cadet Program."

410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 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.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the San Joaquin County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2).

410.3 DEPUTY'S RESPONSIBILITY

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Patrol Administrative Lieutenant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Patrol Administrative Lieutenant with any comments which may be offered by the deputy.

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410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the deputy
 - (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, except in emergency situations
 - (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
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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

The Emergency Response Guidebook, which can be found in each Sheriff's emergency vehicle, contains information about how to determine type of material and appropriate response.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when a deputy comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the

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Division Captain. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the department will be obtained through the Fire Department.

Arson Investigations

413.1 PURPOSE AND SCOPE

The San Joaquin County Sheriff's Office will investigate or document all reported arsons or suspicious fires that occur within the unincorporated area of San Joaquin County. The degree of involvement will depend upon the information available to the responding fire department at each individual fire scene, and will range from being the lead investigative agency to taking a telephone report from the responding fire department.

413.1.1 LAW

Fire Investigators who arrive at a scene of a fire while fire suppression and police officials are still present and want to examine a private home for cause and origin may do so without obtaining a warrant or prior consent (exigent circumstances are presumed) as long as the following conditions prevail:

- (a) The original entry and subsequent reentries are continuous and unbroken in nature.
- (b) The original entry and subsequent reentries are by the same personnel or some of the same personnel.

413.2 DEFINITIONS

1. Solvability Factors:

- (a) There is a witness to the arson.
- (b) A suspect is named or known.
- (c) The suspect can be described to some degree of particularity.
- (d) The suspect can be identified by name or location.
- (e) The suspect vehicle can be identified (license number or distinguishing features).
- (f) There is significant physical evidence present (printable objects, etc.).

2. Arson Fire

- (a) A fire where all reasonable accidental causes have been considered and eliminated.

3. Suspicious Fire

- (a) A fire where arson is the likely cause but there is insufficient data to conclusively rule out accidental ignition.

413.3 PROCEDURE

413.3.1 SUSPICIOUS FIRE WITH NO SOLVABILITY FACTORS PRESENT

- (a) The Sheriff's Office will not respond.
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- (b) The responding fire agency may file a documented report through the Sheriff's Office if they wish to do so.

413.3.2 SUSPICIOUS FIRE WITH ONE OR MORE SOLVABILITY FACTORS PRESENT

- (a) The Sheriff's Office will not respond.
- (b) The responding fire agency may file a documented report if they desire to do so and may request assistance from the assigned Sheriff's Office Arson Investigator if they feel the circumstances so warrant.

413.3.3 ARSON FIRE WITH NO SOLVABILITY FACTORS PRESENT - NO DEATH OR MAJOR INJURY - DAMAGES NOT IN EXCESS OF MODERATE (THIS INCLUDES UNOCCUPIED VEHICLES, FIELDS, AND PASTURES)

- (a) The Sheriff's Office will not respond.
- (b) The responding fire department will gather the information necessary to file a documented report with the Sheriff's Office.
- (c) If in the course of their investigation suspects are developed, investigative assistance may be requested from the Sheriff's Office Arson Investigator.

413.3.4 ARSON FIRE WITH NO SOLVABILITY FACTORS PRESENT, BUT A DEATH OR MAJOR INJURY HAS RESULTED FROM THE FIRE AND/OR THE DAMAGES ARE ASSESSED TO BE MAJOR IN NATURE

- (a) The Sheriff's Office will respond to coordinate the investigation with fire personnel and to originate a Documented Report.
- (b) Information on the cause and origin of the fire will have to be obtained from the responding fire personnel.
- (c) Small items of evidence such as samples of flammable liquids, incendiary devices, and small pieces of charred wiring will be gathered by the investigating deputies and stored.
- (d) Any large items such as portions of walls with burn patterns will be documented by photographs and/or stored by the fire department personnel if so desired.
- (e) The initial investigation will be done by patrol deputies with follow-up and subsequent investigation handled by the assigned Sheriff's Office Arson Investigator.

413.3.5 ARSON FIRES WITH ONE OR MORE SOLVABILITY FACTORS PRESENT

- (a) The Sheriff's Office will respond to coordinate the investigation with fire personnel and to generate a documented report.
 - (b) Information on the cause and origin of the fire will have to be obtained from the responding fire personnel.
-

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- (c) Small items of evidence such as samples of flammable liquids, incendiary devices, and small pieces of wiring will be gathered and stored by the investigating deputies.
- (d) Any large items such as portions of walls with burn patterns will be documented by photographs and/or stored by the fire department personnel if so desired.
- (e) The initial investigation will be done by patrol deputies with follow-up and subsequent investigation handled by the Sheriff's Office Arson Investigator.

413.3.6 RECOVERY OF BURNED VEHICLES

- (a) The Sheriff's Office will not respond to burned, unoccupied vehicle fires except in the role of "first responder" to protect the lives and safety of citizens.
- (b) The responding fire department will handle the vehicle fire as detailed in the above listed procedures.
- (c) The California Highway Patrol will be notified through the Sheriff's Communication Center of the need for recovery of the vehicle.

413.4 FIRES IN UNPROTECTED FIRE DISTRICTS

413.4.1 SHERIFF'S OFFICE RESPONSE

The Sheriff's Office will respond to all fires that are reported in county areas that are in unprotected fire districts. the purpose of the response will be to save and protect human lives, not to fight fires.

The code of the response will depend on the nature of the fire; Code 3 to a structure fire with occupants or unknown occupants; Code 2 to most everything else.

Once on scene the responding deputies will conduct as thorough of an investigation as possible in an attempt to establish an origin of the fire. This will include but not be limited to looking for obvious ignition causes, points of origin, or witnesses to the fire.

The Communications Center will be requested to contact the County Fire Warden and appraise him of the situation. The Fire Warden will make the decision whether or not to respond to the scene.

All responses to fires in unprotected county fire areas will be documented. If the fire is suspicious in nature a 586 Property Damaged or Destroyed report will be generated. If the fire is arson, a 558 Fire-Arson report will be generated.

413.5 SUMMARY

Those arson fires that meet the criteria for Sheriff's Office involvement should be investigations mutually participated in by both fire and law personnel.

The details of the cause and origin of the fire must almost certainly be the venue of fire personnel while the criminal investigation must almost certainly be the venue of law personnel.

POLICIES

Arson Investigations

413.6 INVESTIGATIVE GUIDELINE

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Arson Investigations

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

413.6.2 DOCUMENTATION

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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POLICIES

Arson Investigations

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

413.6.3 EVIDENCE

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
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San Joaquin County Sheriff's Office

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Arson Investigations

413.6.4 OVERVIEW

The deputy assigned to an arson investigation will conduct a joint investigation with the Fire Department/District personal assigned to the investigation. The Fire personal will be responsible for conducting the fire investigation portion of the case while the deputy will conduct the criminal portion of the investigation. This will include taking statements, evidence collection, and criminal prosecution. For further investigation, route a copy of the case to the Department Arson Investigator.

Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents. The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- (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.

414.2 POLICY

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

414.3 COMMUNICATION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Hostage and Barricade Incidents

[REDACTED]

[REDACTED]

[REDACTED]

414.4 FIRST RESPONDER CONSIDERATIONS

Unless otherwise relieved by a supervisor, the initial deputy at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

It shall be the policy of the San Joaquin County Sheriff's Office to respond to and investigate all reported suspected explosive devices and/or explosions. In order to meet this policy, the San Joaquin County Sheriff's Office participates in the Metropolitan Explosive Ordinance Detail (MEOD), a multi-agency unit trained in the handling of items identified as potentially explosive.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Response to Bomb Calls

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

416.3 EXPLOSION/BOMBING INCIDENTS

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practical, if their assistance is needed:

- (a) Fire Department
 - (b) Metropolitan Explosive Ordinance Disposal Team
 - (c) Additional field deputies
 - (d) Field supervisor
 - (e) Watch Commander/Patrol Captain
 - (f) Captain of Investigations Division
 - (g) Department of Justice or Technical Services
-

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Response to Bomb Calls

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.4 BOMB THREATS RECEIVED AT SHERIFF'S FACILITY

[REDACTED]

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Response to Bomb Calls

[REDACTED]

416.4.2 RESPONSIBILITIES

[REDACTED]

416.5 SECTION TITLE

416.5.1 SUBSECTION TITLE

416.5.2 SUBSECTION TITLE

416.5.3 SUBSECTION TITLE

416.5.4 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

418.1 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).

418.2 POLICY

It is the policy of the San Joaquin 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.

418.3 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

418.3.1 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.

418.4 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.

418.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the deputy shall take reasonable precautions to safeguard the individual's personal property in 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).

418.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting deputy should have the Communications 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.

418.6 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.

418.7 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.

418.7.1 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).

418.8 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.
-

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- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (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 department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.9 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).

418.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling deputy has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigative Division, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

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418.10 TRAINING

This department 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

420.1 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.

420.2 POLICY

It is the policy of the San Joaquin 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 Department'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.

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the County, or while assisting another agency. On-duty deputies, who discover criminal activity outside the jurisdiction of the County, should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved deputy shall clearly identify him/herself as a sheriff's deputy.

Deputies are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

420.3 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 persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing deputy shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.3.1 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

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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.

420.3.2 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.

420.4 NON-RELEASE

420.4.1 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) Rape of a spouse (Penal Code § 262)
- (f) 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)
- (g) Stalking (Penal Code § 646.9)
- (h) 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)

420.4.2 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 Department 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 he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
-

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- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
 - 1. The San Joaquin County Sheriff's Office shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).
- (e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).
- (f) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (g) 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.
- (h) 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.
- (i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (j) 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. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:
 - (a) Previous failure to appear is on record
 - (b) The person lacks ties to the area, such as a residence, job, or family
 - (c) Unusual circumstances lead the deputy responsible for the release of prisoners to conclude that the suspect should be held for further investigation

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 Division.

420.5 MISDEMEANOR WARRANTS

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An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace deputy.
- (e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.
- (g) The person has other ineligible charges pending against him/her.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

420.6 CERTIFICATE OF RELEASE POLICY

In all cases where a subject has been arrested, then released prior to booking (except for citation release), a Certificate of Release will be filled out and given to the subject, deeming the arrest a detention only.

See attachment: 849b.JPG

420.6.1 LAW

California Penal Code Sections 849, 849.5, and 851.6 establish requirements for Certificate of Release.

420.6.2 DEFINITION

Arrest - An arrest occurs when you take a person into custody. This means either that you physically restrain the person or that he submits to your custody or that the person is detained for an extended period of time.

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420.6.3 PROCEDURE

- (a) Whenever a subject is arrested and taken into custody and after investigation it is determined that the subject is not to be booked, the arresting officer shall prepare a Certificate of Release.
 - 1. Give original to the subject upon release.
 - 2. Place a copy of the certificate in the envelope with the tape recorded documented report for attachment to the transcribed documented report.
- (b) Certificate of Release is not required under California Penal Code Section 849b(2) (public intoxication).
- (c) Certificate of Release is required for juveniles as well as adults.

420.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

Out of State Warrants

421.1 POLICY

The San Joaquin County Sheriff's Department shall arrest and book on all out-of-state felony warrants where the demanding agency verifies such warrant and is willing to extradite the defendant.

421.2 LAW

California Penal Code Section 1551.1 provides authority to arrest without a warrant on reasonable information that the subject stands charged in a court of any other state with a crime which is punishable by death or imprisonment for a term exceeding one year (this includes escape and probation or parole violation punishable by imprisonment exceeding one year).

421.3 PROCEDURE

If subject is detained upon probable cause or incidental to valid arrest on other charges, the investigator shall:

- (a) Verify the out-of-state warrant with the demanding agency by determining:
 1. Will they extradite?
 2. Is it punishable by death or imprisonment exceeding one year?
 - (b) Obtain a teletype warrant abstract which must include:
 1. Name, description, date of birth.
 2. Warrant number.
 3. Charge.
 4. Date issued.
 5. Judge signing abstract.
 6. Court of issue and county in which court is located.
 - (c) Book subject charging "1551.1 P.C., Fugitive, State of ," and indicate "NO BAIL", indicate San Joaquin County Superior Court, Stockton Branch regardless of arrest location within our jurisdiction.
 - (d) Complete a documented report with all pertinent information:
 1. Warrant abstract information.
 2. Outline circumstances of arrest including any statements or admissions as to ID (do not give Miranda admonishment unless requested to interview the subject by the demanding agency as such interview might jeopardize the investigation).
 3. Insure that original abstract is attached to documented report.
-

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Out of State Warrants

- (e) Verbally notify the Patrol Sergeant for tracking and accountability.

Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the San Joaquin County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY

The San Joaquin 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.

422.3 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.

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Foreign Diplomatic and Consular Representatives

422.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (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.
-

San Joaquin County Sheriff's Office

POLICIES

Foreign Diplomatic and Consular Representatives

422.5 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.

422.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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

San Joaquin County Sheriff's Office

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Foreign Diplomatic and Consular Representatives

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:

- (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 Deployment Team Policy

423.1 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.

423.2 POLICY

The San Joaquin County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

423.3 FIRST RESPONSE

San Joaquin County Sheriff's Office
POLICIES

Rapid Deployment Team Policy

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

423.4 CONSIDERATIONS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

423.5 PLANNING

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

San Joaquin County Sheriff's Office

POLICIES

Rapid Deployment Team Policy

423.6 TRAINING

The Captain of Professional Standards 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.
 - 1. 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).

Reporting Police Activity Outside of Jurisdiction

427.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the San Joaquin County Sheriff's Office.

427.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the deputy shall notify the Communications Center before responding and thereafter notify a supervisor as soon as practical.

427.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of the County of San Joaquin, shall notify his or her supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Watch Commander as soon as practical.

A documented report shall be completed in all instances. The report shall be forwarded to the deputy's Division Captain.

In the event of a mutual aid response which is cancelled prior to arrival on scene, one documented report may cover the response actions taken. Once on scene, each individual deputy must complete all appropriate documentation as stated in this policy and procedure manual.

Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

428.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office that all personnel make professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 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 personnel 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, personnel shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

428.3.2 SWEEPS

The San Joaquin County Sheriff's Office does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

San Joaquin County Sheriff's Office

POLICIES

Immigration Violations

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Personnel of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating deputy should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the deputy intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the deputy may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

428.3.6 BOOKING

If the deputy is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

San Joaquin County Sheriff's Office

POLICIES

Immigration Violations

428.4 IMMIGRATION INQUIRIES PROHIBITED

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC section 1101(a)(15)(U)). Requests for I-918 Supplemental B forms will be routed to the Investigations Captain for processing. The Investigations Captain will confirm the applicant has been a victim of a crime within the San Joaquin County Sheriff's Office jurisdiction or was a victim of a crime investigated by the San Joaquin County Sheriff's Office. If the applicant was a victim of a crime outside of the San Joaquin County Sheriff's Office jurisdiction, they will be referred to the appropriate law enforcement agency. U-Visa applications determined to be from victims of crimes in the jurisdiction of or investigated by the San Joaquin County Sheriff's Office will be forwarded to the designee of the Captain, to verify, the crime suffered by the applicant. The designee of the Captain will do the following:

- (a) Gather facts sufficient to determine: whether the applicant has been a victim of a qualifying criminal activity, possesses information regarding the activity, has been, is being or is likely to be helpful in the investigation, and the criminal activity occurred within the Jurisdiction of the San Joaquin County Sheriff's Office.
 - (b) Request written certification from the representative of the District Attorney's Office responsible for handling the prosecution of any persons involved in the qualifying crimes confirming the applicant is being or was cooperative in the prosecution process.
 - (c) Complete the I-918 Supplemental B form according to the I-918 instruction sheet. The designee of the Captain will not sign the form. The form, along with a copy of all relevant reports, is to be forwarded through the chain of command to the Sheriff or his designee.
 - (d) Ensure the application is addressed in a timely manner. Personnel in the chain of command who review a U-Visa application will review the contents of the investigative packet. If it appears the applicant meets the criteria for the U-Visa program, the application will be forwarded to the next level in the chain of command. Supervisory or management personnel who review the package may return the application to the investigator if it appears the criteria are not met or if further investigation is needed. The Sheriff or his designee will evaluate the investigative packet and make the final determination as to whether or not to sign the I-918 Supplemental B form. The application along with the signed or declined I-918 Supplemental B form will be routed back to the investigating designee of the Captain who will contact the petitioner and advise them of the disposition. The investigating designee of the Captain will supplement the original documented report and attach a copy of the I-918 application with the case supplement. The designee of the Captain will only complete the I-918 Supplemental B form. Completing the I-918 is the responsibility of the applicant. Staff will not sign the I-918 Supplemental B form, the authority to do so rests exclusively with the Sheriff or his designee (Penal Code 679.10).
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San Joaquin County Sheriff's Office

POLICIES

Immigration Violations

428.4.2 HUMAN TRAFFICKING T-VISA

Deputies and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).

Patrol Rifles

432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the San Joaquin County Sheriff's Office will make patrol rifles available to qualified patrol personnel as an additional and more immediate tactical resource.

432.2 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.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Sheriff, and issued by the Department may be used by deputies in their law enforcement responsibilities. The authorized patrol rifle are those issued by the Department.

432.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Armorer, who shall inspect and service each patrol rifle on an annual basis.
- (b) Each patrol deputy carrying a patrol rifle shall be required to field strip and clean an assigned patrol rifle after any training and /or qualifications.
- (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 Armorer at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster.

432.5 TRAINING

Personnel shall not carry or utilize the patrol rifle unless they have successfully completed department training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified instructor for the patrol rifle. All personnel shall thereafter be required to successfully complete bi-monthly qualification conducted by a certified instructor for the patrol rifle.

San Joaquin County Sheriff's Office

POLICIES

Patrol Rifles

Any employee 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 user's course and qualification.

432.6 DEPLOYMENT OF THE PATROL RIFLE

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

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

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Use of Force Policy Manual § 300.

432.8 PATROL READY

Any qualified employee 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 employee, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

Any employee trained and issued a patrol rifle will be required to carry it during their assigned shift or while engaged in patrol operations. In cases where a patrol operation utilizes a vehicle that is not equipped to carry a patrol rifle, no rifle will be deployed.

432.9 RIFLE STORAGE

- (a) When not in use, patrol rifles will be stored in the department armory in rifle racks.
 - (b) Qualified, on-duty deputies shall have access to the department armory.
 - (c) The last three digits of the assigned patrol rifle serial number will be recorded on the Daily Activity Log.
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San Joaquin County Sheriff's Office

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Patrol Rifles

- (d) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.
- (e) At the end of the assigned deputy's shift, the patrol rifle will be returned and secured in the department armory.

Aircraft Accidents

435.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

435.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

435.2.1 DEPUTY RESPONSIBILITY

Deputies should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field deputy at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the Coroner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, sheriff's personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

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Aircraft Accidents

435.2.2 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Fire Department
- (b) The affected airport tower
- (c) Closest military base if a military aircraft is involved
- (d) Ambulances or other assistance as required

When an aircraft accident is reported to the Sheriff's Office by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

435.2.3 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Public 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 Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

Information released to the press regarding any aircraft accident should be handled by the Public Information Officer or in accordance with existing policy.

435.2.4 WATCH COMMANDER DUTIES

In the event of a plane crash within San Joaquin County the Watch Commander will evaluate the event and determine the level of assistance and resources needed.

Mutual aid may be requested as needed through the department's Mutual Aid Coordinators (Section 352).

435.3 DOCUMENTATION

Any aircraft accident (crash) within the county regardless of whether injuries or deaths occur, shall be documented.

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Aircraft Accidents

435.4 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.

435.5 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.

435.6 NOTIFICATIONS

When an aircraft accident is reported to this department, 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
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

435.7 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
-

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Aircraft Accidents

- (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 department 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 department supervisor should ensure the accident is still appropriately investigated and documented.

435.8 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.
-

Field Training Officer Program

436.1 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 San Joaquin County Sheriff's Office.

It is the policy of this department to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training, and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of two years of patrol experience
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate
- (g) Must have successfully completed the Field Training Program
- (h) Must not be on sick leave ordinance

436.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

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Field Training Officer Program

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Patrol Captain or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain 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)).

436.4 TRAINEE DEFINED

Any entry level or lateral sheriff's deputy newly appointed to the San Joaquin County Sheriff's Office who has successfully completed a POST approved Basic Academy.

436.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the San Joaquin 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 San Joaquin County Sheriff's Office.

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Field Training Officer Program

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Lieutenant.

436.6.3 FIELD TRAINING LIEUTENANT

The Field Training Lieutenant will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

436.6.4 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.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily 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

439.1 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.

439.2 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.

439.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

439.2.2 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) When necessary to assist in the location of a patrol unit or deputy

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.

Field Interviews and Photographing of Field Detainees

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available to them at the time of the detention.

440.2 DEFINITIONS

Detention - Occurs when a deputy intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when a deputy actually restrains a person's freedom of movement.

Consensual Encounter - Occurs 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 purposes of determining the individual's identity and resolving the deputy's suspicions.

Pat-Down Search - This type of search is used by deputies in the field to check an individual for 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 - Occurs 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.

440.3 FIELD INTERVIEWS

Deputies may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the deputy should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
 - (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
 - (c) The hour of day or night is inappropriate for the suspect's presence in the area.
 - (d) The suspect's presence in the particular area is suspicious.
-

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- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

440.3.1 INITIATING A FIELD INTERVIEW

A deputy may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the San Joaquin County Sheriff's Office to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose 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 department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

440.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever a deputy reasonably believes that the person may possess an object that can be utilized as an offensive weapon

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or whenever the deputy has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever possible, pat-down searches should be performed by deputies of the same gender.

Lineups

441.1 POLICY

Officers of the San Joaquin County Sheriff's Office will conduct confrontations, showings of photos, and lineups for establishing identity according to law.

441.2 LAW

Court decisions (example: Simmons vs United States) set out specific guidelines regarding use of photos, lineups and confrontations, which this procedure follows.

441.3 CONFRONTATIONS OR SHOW UPS

A confrontation or show-up is a procedure whereby the suspect is viewed in person by victims and/or witnesses to determine if the suspect was involved in the committed crime.

441.3.1 AVOID SUGGESTIONS

Courts have ruled that confrontations are automatically suggestive because normally only one person is being viewed, and he/she is in custody. Therefore, avoid any and all further circumstances that would suggest to victims and/or witnesses that the person to be viewed is the responsible in the crime.

If possible, obtain the suspect's consent prior to the confrontation.

If the suspect is to be transported to another location for the confrontation, obtain the suspect's consent, if possible, prior to the transportation.

441.3.2 CONFRONTATION

- (a) A confrontation may be arranged without obtaining the suspect's consent when:
 - 1. The victims and/or witnesses had sufficient time to view the suspect while the crime was being committed.
 - 2. The victims and/or witnesses gave a reasonable description of the suspect.
 - 3. The suspect was detained or arrested within a reasonable period of time after the crime was committed.
- (b) Confrontations which are delayed beyond a reasonable period of time after the crime has been committed should not be arranged without obtaining the suspect's prior consent.
- (c) There is no right to counsel at a confrontation.

441.3.3 TRANSPORTATION

- (a) A suspect can only be transported without consent after an arrest.
 - (b) A suspect who is only being detained cannot be transported without consent.
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- (c) Victims and/or witnesses may be transported to view the suspect whether the suspect is under arrest or is being detained.

441.3.4 ADMONISHMENT (CONFRONTATION)

The victim and/or witness must be admonished that:

- (a) "The person to be viewed may or may not be the responsible person.
- (b) Just because the person is in the custody of officers should not influence your judgment.
- (c) You are not obligated to identify anyone.
- (d) It is just as important to free an innocent person from suspicion as it is to identify the guilty person.
- (e) Do you understand these instructions?"

441.4 PHYSICAL LINEUPS

A physical lineup is a procedure whereby the suspect is placed in a lineup with other similar persons, and said lineup is shown to victim and/or witness.

Lineups are to be considered formal in nature and will normally take place at the San Joaquin County Jail if the suspect is in custody. Prior arrangements must be made with custody staff through the Custody Classification Sergeant. All lineups will be scheduled at a minimum of five days in advance as arranged with the Custody Classification Sergeant. Exceptions must be authorized by the Custody Administrative Lieutenant with a showing of good cause with consideration given to the needs of the facility.

Physical lineups can be used as an investigative tool, but they are often ordered by the courts on behalf of suspects. However arranged, the suspect must be advised of his/her right to have an attorney present at the lineup.

441.4.1 DEFENSE COUNSEL INVOLVEMENT

- (a) Both the defense counsel and the investigating officer may reject the selection for cause.
 - (b) Photographs may be taken of all lineups and placed into evidence. Any defense selections who are rejected will also be photographed and placed into evidence.
 - (c) The defense counsel may be permitted to view lineup in the lineup room prior to bringing in victim and/or witness.
 - (d) When present, defense counsel will be permitted to observe all proceedings and listen to any statements made by the witnesses.
 - 1. Defense counsel shall not have contact with victims and/or witnesses prior to or during the lineup.
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2. Defense counsel is an observer only and has no right to interfere with the process nor advise a client not to participate in the lineup.
3. Victims or witnesses shall be advised that defense counsel may talk with them after the lineup; but they are not obligated to talk to the defense counsel.

The composition of the lineup should be as follows although Custody Division will be responsible for the selection of extras due to inmate classification issues.

- Lineups are not conducted for out of custody subjects.
- There must be at least six subjects in the lineup; inmate participation is voluntary.
- The subjects should be of the same race, sex, approximate age, and with similar characteristics.
- Participants in the lineup will be provided with numbered cards of sufficient size to be readable by the witnesses.
- Inmate classification status may preclude certain inmates from participating in lineups.

441.4.2 AVOID SUGGESTION

No officer should indicate to a victim and/or witness who selects a person in the lineup as to the significance, if any, of said selection.

441.4.3 IDENTIFICATION PROCEDURE

The witness and/or victim should be admonished not to discuss the lineup before, during, or after the viewing. If the victim and/or witness makes an identification, they should write the identity number down on a piece of paper. The victim and/or witness will then sign the paper and give it to the investigator who places same in evidence.

441.4.4 ADMONISHMENT (PHYSICAL LINEUPS)

Prior to a physical lineup, the victim and/or witness must be advised:

- (a) You will be asked to look at a lineup.
 - (b) The lineup will consist of six persons.
 - (c) The responsible person may or may not be in the lineup.
 - (d) You are under no obligation to identify anyone.
 - (e) Do not discuss the lineup with other victims or witnesses before, during, or after the lineup.
 - (f) If you should identify someone, write the identity number down on a piece of paper, sign it, and give the paper to me.
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- (g) Do you understand these instructions

441.5 PHOTOGRAPHIC LINEUPS

A photographic lineup is a group of photographs which are shown to victims and/or witnesses to help identify the suspect in a crime.

441.5.1 PHOTOGRAPHIC LINEUP COMPOSITION

The composition of a photographic lineup should be as follows:

- The photographs must show persons of the same race, sex, approximate age, and similar characteristics.
- Do not include photographs which show same or similar clothing description as worn by the suspect.
- Photographic lineups should include the suspect and at least five other photographs.
- Photographs shown must be similar in color, type, and size.
- All dates and booking numbers should be blocked out on photographs.
- There will be no extraneous markings on the photographs; i.e., boxes, arrows, etc.
- Photographs will be singularly numbered so as to be readable by victims and/or witnesses.

There is no right to counsel at photographic lineup.

441.5.2 ADMONISHMENT (PHOTOGRAPHIC LINEUPS):

Officers utilizing photographs will adhere to the following procedure:

- (a) Each victim and/or witness should view the photographs alone or under conditions in which other victims and/or witnesses viewing the photographs will not be influenced or open to suggestion.
 - (b) No officer should indicate to a victim and/or witness who selects a photograph as to the significance, if any, of said selection.
 - (c) In the event a victim and/or witness supplies the name of the suspect and further investigation is necessary, a photographic lineup will be shown as per above procedure.
 - (d) Whether identification of the suspect(s) is accomplished or not, the group of photographs will be retained as evidence, and identification number and/or name will be listed on the appropriate report.
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Criminal Organizations

443.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the San Joaquin County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

443.1.1 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.

443.2 POLICY

The San Joaquin County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

443.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department 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.

443.3.1 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 department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Division. Any

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supporting documentation for an entry shall be retained by the Records Division in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Division are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

443.3.2 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.

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate or affiliate in a shared gang database accessible by the department, the basis for that designation and the name of the agency that made the designation. The department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department'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 Division after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

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It is the responsibility of the Records Division supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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).

443.3.3 REPORT TO THE CALIFORNIA DEPARTMENT OF JUSTICE

The Field Forces Captain or the authorized designee shall ensure that the annual report of information submitted to a shared gang database as required by Penal Code § 186.34 is submitted to the California Department of Justice.

443.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-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.

443.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Division or Property Bureau, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications 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.

443.4.2 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.

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443.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Captain of the Professional Standards Division to train members to identify information that may be particularly relevant for inclusion.

443.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department 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.

443.7 CRIMINAL STREET GANGS

Information from the temporary criminal street gang participant files may only be furnished to department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

Information from any department approved gang intelligence file must only be released in compliance with the rules for that particular database.

443.8 TRAINING

The Captain of the Professional Standards Division 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.
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- (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.
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Watch Commanders

445.1 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 Lieutenant heads each watch.

445.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits.

Body Worn Camera System

447.1 PURPOSE

- (a) To provide policy and procedures for use of the Body Worn Camera (BWC) that produces recordings of field activity in the course of official law enforcement duties.
- (b) This policy applies to all deputies who have been issued and trained on the use of the body-worn camera device.

447.2 DEFINITIONS

- (a) Body Worn Camera (BWC) – An electronic recording device individually worn by deputies that can capture audio and video when activated.
- (b) Digital Evidence Management System (DEMS) – A management system designed to digitally collect, store, secure, disseminate and purge recorded media. The digital recordings are accessible to authorized personnel and maintain an audit trail of user activity.

447.3 POLICY

- (a) All Deputies, Sergeants, and Lieutenants assigned to Field Operations, Special Operations, or Investigations who normally respond to calls for service or regularly take enforcement action during the course of their duties and have received the BWC training will be required to deploy with a Body Worn Camera when working in that capacity. This will include those deputies with a duty assignment that is in plain clothes or a modified uniform, unless in a designated undercover assignment. Deputies working overtime in a uniformed or modified uniform position will utilize a spare BWC, assigned by the duty supervisor.
 - (b) Deputies assigned and trained on the use of the BWC will not deploy into the field without a working device unless approved by a Lieutenant or Duty Sergeant. Examples of when this is authorized are if the Deputy's assigned BWC is inoperable and there are no replacements, if the Deputy's BWC is missing and a replacement is not available, or if the deputy is directed out to the field immediately due to a critical incident prior to roll call.
 - (c) The use of a BWC provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. 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 and to ensure evidence integrity.
 - (d) Only trained personnel should operate approved BWC devices.
 - (e) Personnel will use only the BWC issued and approved by the department. The wearing of any other BWC is not authorized.
 - (f) Personnel shall not make copies or use other recording devices to capture images on the display screen for personal use or distribution. The capture and distribution of
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images on the display screen for tactical or investigatory purposes can be approved by a Lieutenant or higher.

- (g) Personnel should not intentionally remove, dismantle or tamper with any hardware and/or software component or part of the BWC.
- (h) Information obtained on a BWC is part of an SJSO investigation, undertaken for the purpose of determining whether a violation of law may occur or has occurred.

447.4 PROCEDURES

- (a) 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 may activate the system any time they feel its use would be appropriate and/or valuable to document an incident.
 - (b) Unless it is unsafe or impractical to do so, deputies shall record pedestrian contacts, interviews, and other events when the recording has value as evidence, to limit liability, to resolve citizen complaints, or as a training tool in any of the following incidents:
 - 1. Enforcement encounters where there is a reasonable suspicion the person is involved in criminal activity. This includes, but is not limited to dispatch calls for service as well as self-initiated activities.
 - 2. Probation or parole searches.
 - 3. Vehicle Pursuits.
 - 4. K9 Deployments
 - 5. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 - (c) While activated, the recording should not be intentionally terminated until the conclusion of the encounter. If a situation arises where deputies need to intentionally stop a recording, then a legitimate reason will be articulated on the recording prior to terminating. For the purposes of this policy, legitimate reasons may include but are not limited to the filming of confidential informants or instances of tactical planning.
 - (d) Deputies will have some level of discretion regarding when to stop a recording because there is no longer any investigative purpose to continue the recording and all parties are cooperating. The officer should dictate this reason on the video before ending the camera activation.
 - (e) Deputies who do not record, or inadvertently stop recording with the BWC during an event, must articulate the reason for this in a documented report or if no report was generated, it shall be documented in the final disposition of the call history.
 - (f) California Penal Code section 632.7 governs recording of communications without consent of all parties. This allows deputies, on official law enforcement duties, to record events without consent in places they are legally allowed to be. Deputies are not required to obtain consent from a private person when:
 - 1. In a public place.
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2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where the officer is lawfully present and engaged in the performance of official duties)
 3. Deputies are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.
- (g) Deputies should document the use, or non-use, of a BWC in the synopsis of all police reports, citations, and field identification cards.
 - (h) Deputies should index their recordings with the appropriate Documented Report number when indexing the downloaded videos. The following is a reference on how to index: When referencing Documented Report numbers, e.g. "18-12345," no spaces or letters.
 - (i) Deputies should continue to author reports as currently dictated by the Report Writing Manual and training. A summary of events and statements should still be included, and deputies shall not rely on the existence of BWC footage as the main documentation of a scene, interview, or incident.
 - (j) Deputies who experience a broken or malfunctioning BWC shall advise their supervisor of the situation, the supervisor will turn in the malfunctioning device to the Patrol Administrative Lieutenant, and make use of a spare BWC until their device is fixed.

447.5 PROHIBITED RECORDINGS

- (a) The San Joaquin County Sheriff's Office prohibits surreptitiously and/or intentionally recording any member of this department's personnel without the expressed knowledge and consent of all parties.
 - (b) Deputies are prohibited from utilizing BWCs for personal use.
 - (c) Recordings shall not be used for the purpose of ridiculing or embarrassing any employee.
 - (d) The BWC shall not be used in locker rooms, restrooms, or any other place where there would be a reasonable expectation of privacy unless in the course of a criminal investigation.
 - (e) BWC should not be activated in a hospital unless a statement is being taken or a situation at the hospital becomes confrontational. The BWC should be turned off when it is practical to do so. Deputies should try to avoid recording any exposed private areas of the body.
 - (f) Deputies should not record coroner's investigations unless deemed necessary by the deputy or an officer safety issue arises.
 - (g) Deputies should use careful consideration when recording interviews of victims or witnesses of sexual assault, and always obtain consent from the victim prior to any recording.
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- (h) Deputies should avoid recording undercover officers or confidential informants, absent the approval of a supervisor.
- (i) No type of recording device may be intentionally activated to record the conversations of fellow employees or superiors without their knowledge.

447.6 RESPONSIBILITIES

- (a) Program Manager-The Professional Standards Division Administrative Lieutenant will be designated as the Program Manager and will utilize the Administrative Lieutenants of each Office Division to assist in the below listed responsibilities.
 - 1. The Program Manager is designated by the Sheriff and has oversight responsibilities to include, but not limited to, the following:
 - 2. Operation and user administration of the system.
 - 3. System evaluation.
 - 4. Training.
 - 5. Policy and procedure review and evaluation.
 - 6. Coordination with IT regarding system-related issues.
 - 7. Ensure BWC files of evidentiary value are secured and maintained until the proper evidence disposition is received from the San Joaquin County Court system. Ensure all other routine files are secured in accordance to the retention schedule, defined in 447.10.
 - 8. Ensure BWC files are being reviewed and released in accordance with federal, state, local statutes, and San Joaquin County Sheriff's Office retention policy.
 - 9. The Program Manager or his/her designee is the sole person with authority to order editing or deletion of recorded footage.
 - 10. It is the responsibility of the Program Manager or his/her designee to restrict access to files which are deemed confidential due to internal investigations, or high profile incidents.
 - (b) Supervisor Responsibility
 - 1. Supervisors will ensure deputies utilize the BWC according to policy guidelines.
 - 2. Supervisors will be responsible for monitoring and documenting the use, and failure to use the BWC to ensure deputies are receiving needed training and counseling regarding the device.
 - 3. Supervisors and reviewing investigative team members should receive training in the review of BWC videos.
 - 4. Supervisors will provide roll call training bi-annually to assure deputies are aware of their responsibilities regarding the BWC. Supervisors will document this training in a bi-annual review of policy.
 - (c) Deputy Responsibility
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Body Worn Camera System

1. BWCs are assigned to individual deputies. It is the responsibility of each Deputy to check the battery is fully charged and operating properly at the beginning of each shift.
 2. Deputies shall wear the device affixed to their upper torso in an appropriate forward facing manner (without obstruction) and secured as recommended by the manufacturer. This will provide for the best field of view possible.
 3. Immediately report unresolved equipment malfunctions and problems to their supervisor.
 4. Provide feedback through their supervisors to the Program Manager regarding challenges and concerns on the BWC program.
 5. Deputies shall dock their issued camera for automated upload of BWC data at the end of their shift to ensure the BWC storage capacity is not exceeded and/or to upload files.
 6. After uploading data, deputies shall index video files appropriately with respect to the software capability within 24 hours of making the recording. In addition to attaching an event or case number to the recordings, deputies must assign a video category to facilitate proper retention of the video. If this cannot be accomplished, the deputy will have to obtain supervisor approval to upload the files at the beginning of the next shift and the supervisor will note the approval within the Comm4 log.
 7. 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 their sergeant. The sergeant shall review the file, approve or deny the request, forward the request to the Program Manager and advise whether they feel the request should be approved or denied. The Program Manager will review the video with the Professional Standards Captain, and if both concur with an approved request, the Program Manager will then delete the video.
- (d) Evidence/ Identification Technician
1. All instances of duplication will be tracked through the BWC management software.
 2. Copies will be sent to or picked up by the requesting person, or the appropriate designee.
 3. Duplication of BWC files from a single case that are too large to place on twenty (20) separate DVD's or less will be placed on a flash media drive.
 4. Any requests that require editing of an original file will require the booking of the final edited version into property under the appropriate Documented Report number. Editing of video files is a time consuming process that will not be routinely performed, and requests should be used sparingly. Documentation of what editing has been done to the original file will be placed in the description box of the property record and in a subsequent report.
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Body Worn Camera System

5. Requests for duplications that are already booked into Evidence should be made to the Evidence Technician Supervisor and/or Evidence Technician.
6. In the absence of the Evidence Technician Supervisor and/or Evidence Technician, the Administrative Lieutenant will assign an appropriate designee to make the requested copies.

447.7 OFFICER INVOLVED SHOOTINGS/CRITICAL INCIDENTS

When a body worn camera is used during the event of an OIS, critical incident, or high profile event, the following steps will be followed if watch commander deems it a qualifying event.

- (a) Deputy will not put BWC in the docking station for download.
- (b) The BWC will be collected by the on scene supervisor or lieutenant at the conclusion of a major incident or when safe to do so. The Program Manager or designee shall be notified immediately and the BWC shall be secured.
- (c) The supervisor is responsible to assign a spare camera to personnel involved.
- (d) The BWC will then be turned over to the Program Manager or designees, who include the Internal Affairs Sergeants and Captain of the Professional Standards Division. The BWC footage will then be controlled and regulated by the Program Manager. All personnel assigned to BWC will still have the right to review video as policy dictates, but an appointment must be made with the Program Manager or acting designee.

It is the Sheriff's Office priority to protect its personnel by controlling critical footage in one of the listed major incidents. This process is established to regulate the viewing of footage after a major incident. This process is not to discourage an individual from viewing their footage as stated in the policy that has a right to know/need to know.

447.8 REVIEW OF DATA/VIDEO

- (a) Data captured by the BWC is an official police record and shall be treated in the same manner as reports, citations, and evidence. All access to the system will be logged and subject to compliance 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.
 - (b) Reviewing a BWC file may require documenting the specific reason for access on the video file page in a notation field prior to viewing unless exempted by the Sheriff or his/her designee.
 - (c) An employee may review BWC files as it relates to:
 1. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports.
 2. Detectives will have access to files and may view videos they are working on. If copies are needed, then a request to the BWC Technician will be filled out.
 3. Prior to courtroom testimony or for courtroom presentation.
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4. Prior to providing a statement pursuant to an administrative inquiry, including but not limited to officer involved shooting investigations and Countywide Protocol Investigations.
5. For potential training purposes.
6. In the instance of a Professional Standards Section review/ investigation.
7. A supervisor necessitating clarification regarding a concern from a citizen.
8. A supervisor, manager, or department investigative team investigating a specific incident, act, or accusation of officer conduct, may review videos based on a reasonable supervisory need.
9. Members of the prosecution team and County Counsel's Office, with the permission of the Sheriff or his/her designee may view videos.

447.9 BWC FILE REQUESTS

(a) Departmental Requests

1. Departments, to include the District Attorney's Office or County Counsel's Office, shall forward a written request via email with sufficient information to locate the BWC file to the BWC Technician via email or request form as is done with requests of photographs.
2. Examples of sufficient information needed to locate a BWC file are: Documented Report number, Call History Number, Date of Occurrence, time range of occurrence, Deputies identification number.
3. A copy of the BWC file can be made by the Technician in accordance with the provisions of this order to fulfill requests.
4. Requests should provide a seven (7) working day lead time before the files are needed. If copies are needed sooner, special accommodations may be made by contacting the Technical Services Unit Supervisor.

(b) Non-Departmental Requests

1. All other requests for a BWC file shall be accepted and processed in accordance with federal, state, local statutes, and Policy 810. This includes outside subpoenas and other Public Records requests per Government Code sections 6250-6270. These requests will be forwarded immediately to the Records Manager.
 2. Files requested through subpoena and approved through the County Counsel's Office or District Attorney's Office will be duplicated and distributed unedited.
 3. If BWC files must be released through a California Public Records Act and have to be redacted due to privacy concerns, the entire screen will be blurred through the use of a digital filter. This procedure is recommended as the redaction of footage frame by frame is an arduous task which requires a high level of technical expertise and undue expenditure of time.
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4. If BWC files are to be released, all deputies involved in the video will be advised of the release.
- (c) Training requests
 1. 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.
 2. A person recommending utilization of a BWC file for training purposes shall submit the recommendation through the chain of command to their respective Division Captain.

447.10 RETENTION

- (a) It is the policy of the San Joaquin County Sheriff's Office to maintain all files saved to the DEMS pertaining to the retention schedule.
 1. Files that are deemed evidence will be stored until the applicable statute of limitations has expired, or the case has been adjudicated, and the case agent has filed an evidence disposition allowing for its destruction.
 2. All files of evidentiary value will be archived to DVD and booked as evidence, and/or to a "cloud" based storage solution if one is available, at the end of one calendar year.
 3. Large files or groups of files from the same incident may be transferred to a solid state storage device and booked into evidence for archival purposes.

447.10.1 CATEGORY

In addition to attaching an event or case number to recordings, deputies must assign a video Category to facilitate proper retention of the video. All recordings will be retained according to the following retention schedule.

CATEGORY	RETENTION DURATION
01 - Training/Accidental	3 months
02 - Citizen Contact	13 months
03 - Suspicious Person/Vehicle	13 months
04 - Traffic Stop. All 538 Incidents	13 months
05 - DUI	2 years
06 - Misdemeanor Arrests/Warrants	13 months
07 - Pursuits	2 years
08 - Felony Arrests/Warrants	13 months
09 - Use of Force Incident	5 years
10 - Critical Incident (OIS, In Custody Death)	Until manually deleted
11 - Evidence	Until manually deleted
12 - AG Crimes	13 months

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13 - CASA Crimes	13 months
14 - Property Crimes	13 months
15 - Persons Crimes	13 months
16 - Civil	13 months

Mobile Digital Computer Use

448.1 PURPOSE AND SCOPE

The Mobile Digital Computer (MDC) accesses confidential records from the State of California, Department of Justice, Department of Motor Vehicles and San Joaquin County databases. Employees using the MDC shall comply with all appropriate federal, state and county rules and regulations.

448.2 MDC USE

The MDC shall be used for official sheriff's communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the department are strictly forbidden. MDC use is also subject to the department Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Watch Commander.

448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

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.

448.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact;
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
- (c) Whenever the activity or contact is not initiated by voice, the deputy shall record it on the MDC.

448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the sheriff's radio or through the MDC system.

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Mobile Digital Computer Use

Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC's.

448.2.4 EMERGENCY ACTIVATION OF MDC

If the emergency button is depressed on the MDC, the dispatcher will call the unit and ask for the appropriate response from the deputy. If there is no emergency, then he/she should answer with the appropriate response and all units will resume their normal activity. If there is no response or the deputy answers in some other way, the dispatcher shall proceed as follows:

- (a) Immediately dispatch the nearest available unit Code-3 to the reported AVL location.
- (b) Notify the Patrol Field Supervisor of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is an appropriate response, unless they are themselves handling an emergency.

448.3 MDC CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDC

Whenever possible, deputies will not use units with malfunctioning MDC's. Whenever deputies must drive a unit in which the MDC is not working, they shall notify the Communications Center. It shall be responsibility of the Communications Center to record all information that will then be transmitted verbally over the sheriff's radio.

Deputies operating a unit with a malfunctioning MDC, shall immediately upon return to the Sheriff's Office place the proper colored cone for repair. Deputies shall also complete the appropriate paperwork for the repair work.

448.3.2 BOMB CALLS

When investigating reports of possible bombs, deputies will turn off their MDC's. Operating the MDC may cause some devices to detonate.

Radio Procedure

449.1 POLICY

The purpose of the public safety radio system of the San Joaquin County Sheriff's Department is to transmit and receive messages pertaining only to official business and in accordance with the rules and regulations of the Federal Communications Commission.

As all Sheriff's radio communications channels are capable of being monitored by the general public, all radio transmissions shall be done in such a manner so as to project a professional image to the community.

449.2 PROCEDURE

All personnel utilizing radio communications will be accurate, brief, and clear when transmitting on any channel.

Dispatches will be worded in a concise manner to permit continuous transmission of each call. All call dispatches will be prefaced in the following manner: "1A42, 579." The dispatcher shall break and wait for the unit called to acknowledge with his/her unit ID and location before transmitting the call information.

Whenever practical, lengthy descriptions and detailed information should be relayed to the Communications Center by MDC or telephone so that the broadcast can be aired on all appropriate channels.

Courtesy is more properly expressed by tone of voice and manner of presentation than by words. Eliminate all unnecessary transmissions. Do not say "thank you" or "please".

Words or voice inflections which when broadcasted reflect or indicate irritation, disgust, or sarcasm shall not be used.

Avoid familiarity. Use proper names and titles or unit identifiers.

No channel shall be considered secure for the transmission of confidential or sensitive information.

449.2.1 SUBSECTION TITLE

449.2.2 LOGGING ON/OFF

On-duty department employees (except executive and senior management staff) who operate a department vehicle with a Sheriff's Office radio in it or who carry a Sheriff's Office portable radio while on duty shall "log on" with their designated dispatch control or radio base immediately upon going on duty. The "log in" shall include, but not be limited to, the following information:

- (a) Vehicle number or designation, if applicable.
 - (b) Portable radio number or designation, if applicable.
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- (c) The name of the employee operating the radio.
- (d) A test of the "man down - officer needs help" function shall be conducted if the radio is so equipped.

Prior to going off duty, the department employee shall "log off" with their designated dispatch control or radio base.

449.2.3 CHANGING CHANNELS

Whenever the need arises to change channels from a primary designated channel to another channel, the primary dispatch or designated radio base shall be notified of the channel change.

Employees using the Sheriff's radio communications shall utilize the 900 code whenever practical to provide uniform, brief, and concise transmissions.

The Sheriff's Office radio communications system has a built-in transmission delay of approximately .5 seconds. In order to ensure a complete transmission, the microphone key of a vehicle or portable radio must be depressed 1 to 2 seconds before voice transmissions begin. All radio transmissions to the Sheriff's Communication Center will be directed to "Dispatch" instead of a geographical location.

When a unit receives a radio call from the Communications Center or radio base, that unit is to respond by repeating his/her unit radio call sign and by giving his/her geographical location; e.g., 1A41 - Fremont and Cardinal. When a complete transmission has been received, the receiving unit shall acknowledge the receipt of the transmission by repeating his/her radio call sign and the appropriate radio code; e.g., 1A41 10-4 909A.

Upon arriving at the location of a call for service or other destination, the Communications Center or base station shall be notified either via MDC or radio. The arriving unit will advise the Communications Center of their radio call sign followed by the appropriate 900 radio code; e.g., "1A41 987 or 908".

449.2.4 OFFICER NEEDS HELP

An employee equipped with a department radio can summon emergency assistance by transmitting a voice message over the radio or by using the radio's electronic "man down" function or via MDC.

Voice Message - The standard 900 code for "officer needs help" is 940A. This code should be used in emergency situations where immediate assistance is needed. If possible, the transmission should include the unit requesting the emergency assistance, the location where the assistance is needed, and the reason the assistance is needed; e.g., 1A41 - 940A - Main and Oro - man with a gun. The most important aspect of requesting emergency assistance is getting the message out. If the proper 900 code cannot be remembered, a short, concise plain language broadcast should be made; e.g., 1A41A needs help at Main and Oro.

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Officer Needs Assistance Emergency Alarm - Once the button is pushed, a burst transmission of the electronic radio ID is sent to the Communications Center. This transmission identifies the radio sending the alarm. This number is cross-checked with the duty roster (custody/patrol) to identify the specific unit or officer assigned to the radio sending the alarm. The emergency burst transmission does not provide any location information. It is critical that department employees advise the dispatcher of their location in order to ensure that help can be directed to them quickly.

[REDACTED]

1. [REDACTED]

Video Redaction Policy

450.1 PURPOSE

- (a) To provide policy, procedures, as well as guidelines for redaction of video footage in keeping with the requirements set forth in section 6254 of the California Government code.
- (b) This policy applies to all video footage in the possession of the San Joaquin County Sheriff's Office.
- (c) All Video Footage shall be released in accordance with the provisions of this Policy Manual.

450.2 DEFINITIONS

- (a) Body Worn Camera (BWC) – An electronic recording device individually worn by deputies that can capture audio and video when activated. The authorized device is individually assigned to uniformed deputies as standard issued equipment.
- (b) Digital Evidence Management System (DEMS) – A management system designed to digitally collect, store, secure, disseminate and purge recorded media. The digital recordings are accessible to authorized personnel and maintain an audit trail of user activity.
- (c) In-Car Video Systems – An electronic recording device individually mounted in patrol vehicles that can capture audio and video when activated.
- (d) Video Redaction – A form of editing of video footage by means of censoring, but not necessarily omitting, specific information.

450.3 POLICY

- (a) It shall be the Policy of the San Joaquin County Sheriff's Office to redact video footage that, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, in which case the footage shall be redacted to protect that interest, in accordance with appropriate statutes.
 - (b) Video Footage involving critical incidents shall only be released, after appropriate video redaction, with the approval of the Sheriff or their designee.
 - (c) Only personnel trained in appropriate video redaction will perform video redaction.
 - (d) Video that is subject to video redaction before release shall include, but is not limited to
 - Body Worn Cameras (both overt and covert)
 - In-Car Video Systems
 - Interview Room Recording Systems
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Video Redaction Policy

- Other agency deployed cameras (passive, tactical, impromptu)
- Custodial Video Systems
- ANY piece of video evidence in the agency's possession

450.4 PROCEDURES

- (a) Upon receipt of an approved request for video footage within the custody of the San Joaquin County Sheriff's Office, the request will be forwarded to the Supervisor of the Technical services department.
 - (b) Upon receipt of the approved request the Supervisor shall assign a properly trained Evidence Technician to review and redact the video footage. The remainder of the footage shall be disclosed. The following footage shall be redacted:
 - 1. All footage that contains identifiable personal information of individuals not associated with the Incident
 - 2. All footage that contains personal and confidential medical information
 - 3. All footage that contains information from a motor vehicle record, as per 18 U.S. Code § 2722 (a)
 - 4. All footage that contains information that is exempt from disclosure, such as CLETS information, or information deemed exempt per statute.
 - (c) Upon receipt of the request for video footage the Evidence Technician shall review the footage making note of the above listed categories. Once all redactable events are located in the footage the Evidence Technician shall proceed with the redaction procedure.
 - (d) Upon completion of video redaction the Evidence Technician will submit the redacted footage for review by a second Evidence Technician, for peer review. If additional redactable events are located within the footage the footage shall be returned to the initial Evidence Technician. Upon completion of the additional redaction a second review will be completed by a second Evidence Technician, for peer review.
 - (e) Once All redactable events are verified within the footage the redacted footage shall be provided to the Captain of the Professional Standards Divisions, or their designee for approval. The affected member(s) may watch the footage contemporaneous with the Captain of the Professional Standards Divisions, or their designee, and note where they believe a redaction, if any, should be made. Nothing in this policy prohibits a member from reviewing their body camera footage in advance of the Captain's review and noting where they believe a redaction is appropriate and submitting such to the Captain or designee for consideration.
 - (f) Once Approval is given by the Captain of the Professional Standards Divisions, or their designee, the footage shall be given to the Public Information Officer for dissemination in accordance with San Joaquin County Sheriff Office Policy Manual § 810.
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Medical Marijuana

453.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

453.1.1 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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Medical Marijuana

453.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office to prioritize resources to forgo making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The San Joaquin 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.

453.3 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.

453.3.1 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 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.

453.3.2 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.

453.3.3 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).

453.3.4 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at a later time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
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4. Other relevant factors, such as available department 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.

453.3.5 EXCEPTIONS

This policy does not apply to, and deputies should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
 - (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
 - (c) Smoking marijuana (Health and Safety Code § 11362.79):
 1. In any place where smoking is prohibited by law.
 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 3. On a school bus.
 4. While in a motor vehicle that is being operated.
 5. While operating a boat.
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- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

453.3.6 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).

453.4 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.

453.5 PROPERTY EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES

The Property Evidence Room 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 Evidence Room 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 Evidence Room supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property Evidence Room supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Property Evidence Room supervisor.

Bicycle Patrol Unit

455.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the operation of the Sheriff's Bicycle Patrol.

455.2 POLICY

The Sheriff's Bicycle Patrol is comprised of Deputy Sheriffs from the Operations Division that have completed the Basic Bicycle Patrol training class. Deputy Sheriffs can be used for directed patrol, special enforcement activities as directed by the Division Captain or their designated representative. Deployment, transportation and utilization of bicycles shall be under the direction of the Division Captain or their designee.

Division Captains or their designee may approve bicycle operations, which utilize deputies under their command who have met the required standards for the bicycle patrol deputy.

Division Captains or their designee will maintain a roster of all deputies certified as bicycle patrol deputies.

455.3 SELECTION OF PERSONNEL

Qualifications:

1. Deputies must meet requirements unique to the assignment prior to bicycle patrol operations.
2. Successful completion of the Field Forces Patrol Training Program and 2 years of Patrol experience.
3. Successful completion of the P.O.S.T. certified Basic Bicycle Operations course.
4. Annual bicycle qualifications, as determined by the Rangemaster / Armorer.
5. Annual fitness and skills demonstration to include:
 - a. 10 mile bicycle ride in 50 minutes or less supervised by the Division Captain or designee.

455.3.1 BICYCLE PATROL UNIT SUPERVISOR

Division Captains or their designee will:

1. Manage and direct the unit
 2. Select deputies to the unit based on qualifications and suitability.
 3. Receive request for bicycle operations.
 4. Plan bicycle operations and assign operation supervisors.
 5. Schedule deputies participating in operations, ensuring a sufficient number of qualified deputies are included.
 6. Prepare operation plans. Forward copies to Communications and the appropriate patrol division.
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7. Deploy and direct teams and support vehicles as necessary to complete the operation.
8. Ensure activities are conducted safely and in accordance with office policies and procedures.
9. Collect information from deputies to complete the after-action report and evaluate the operation. Forward the after-action report and all pertinent information to the Division Captain or their designee for review and filing.
10. Coordinate with the operation supervisor and other team leaders to complete the operation.
11. Advise the Division Captain or their designee of activities and conditions encountered.
12. Maintain a log of activities, including arrests, reports, citations and F.I.'s.
13. Review all reports, citations and F.I.'s for accuracy and completeness. Ensure these are completed in a timely manner and forward them to the Division Captain or their designee.
14. The Division Captain or their designee will ensure on a monthly basis that the bicycles will be cleaned and checked for routine repairs. On a yearly basis, a full overhaul will be conducted on the bicycles by a local bicycle shop.

455.4 TRAINING

Deputies shall successfully complete the annual skills and fitness qualification that are listed in section 455.3.

455.5 UNIFORMS AND EQUIPMENT

A. UNIFORM and SAFETY EQUIPMENT

1. Deputies riding Sheriff's Office bicycles shall wear the Sheriff's Office Class "C" uniform, including soft body armor and shall wear at all times while riding the bicycle a regulation bicycle helmet. This both protects the deputy and sets a positive example for the public. Class "C" uniforms shall have "Sheriff" on the back of the shirt, embroidered Sheriff's star, name and rank on the front.
2. Bicycle helmets shall be black, meeting one or more of the following; American National Standards Institute (ANSI), the Snell Memorial Foundation, and/or the Consumer Product Safety Commission (CPSC).
3. Short fingered riding gloves shall be predominantly black in color and should be worn at all times when riding the bicycle.
4. Eye protection shall be worn at all times when riding the bicycle.

B. EQUIPMENT

1. The Sheriff's Office will set bicycle component standards.
 2. The bicycle shall be a mountain bike with an aluminum, chromoly, titanium or alloy frame.
 - a. Exception to this rule is any current bicycle used in bicycle patrol operations prior to April 1, 2014.
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3. At minimum the bicycle must have front suspension. Shock absorbers on the front forks.
4. Pedals with foot retention devices, such as clipless pedals or toe clips.
5. Equipped with a dual beam headlight, the high beam of which is a minimum of 20 watts, and a rear red reflector.
6. Black rear pack with "Sheriff" in gold lettering on both sides.

455.6 CARE AND USE OF PATROL BICYCLES

A. BICYCLE EQUIPMENT

1. Prior to deployment, bicycle deputies will conduct a safety check on their bicycle. If there are any equipment concerns, the deputy shall notify their supervisor. The check should include:

Tire Pressure

Chain

Wheel rim / Spokes

Wheel adjustment releases

Brakes

Seat adjustments

Gears / Derailleurs

455.7 DEPUTY RESPONSIBILITY

A. DEPLOYMENT

1. Routinely bicycle deputies will work in teams of two or more. No fewer than two deputies will be deployed without the specific authorization of the Division Captain or designee.
2. While patrolling on bicycles, all deputies will wear the authorized Sheriff's Office bicycle Class C uniform unless specific exemption is given by the Division Captain or designee.
3. Bicycle deputies shall not hold onto or balance themselves on motor vehicles, including patrol vehicles.
4. Bicycle deputies shall not allow themselves to be towed by motor vehicles.
5. Bicycle deputies will obey all traffic laws pertaining to the operation of bicycles.
6. Bicycle deputies will perform the same duties as all other patrol deputies except for those that cannot be performed on a bicycle.
7. Red - Blue lights and or a siren on patrol bicycles shall be used only to warn pedestrians and motorists of their presence. The California Vehicle Code makes no provisions for bicycles as "authorized emergency vehicles."

B. EMERGENCY OPERATING PROCEDURES

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1. Bicycle deputies will not pursue any motor vehicles. Deputies operating bicycles may initiate enforcement action, but shall not attempt to stop moving vehicles.
2. Bicycle deputies will not make felony vehicle stops without the assistance of deputies in patrol vehicles.

C. SIDEWALK PROCEDURES

1. Section 555 of the California Vehicle Code defines a sidewalk as that portion of a highway, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.
 2. Even if not expressly prohibited, to the greatest extent possible, bicycle deputies should operate their bicycles on the street, if possible.
 3. If the deputy needs to operate a bicycle on a sidewalk, it should be done in a manner that does not violate the right of way of pedestrians or other vehicles.
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Unmanned Aerial System (UAS) Operations

463.1 PURPOSE

The Sheriff's Office Unmanned Aerial System (UAS) will be used to enhance the ability of the Sheriff's Office to affect its public safety mission. The UAS will be used to provide aerial support during tactical and law enforcement related operations. The UAS will utilize a high definition camera and/ or FLIR system to provide real-time situational awareness. The ability to provide this aerial view will enhance officer safety without placing additional personnel at risk while increasing public safety. This policy is not intended to be all-inclusive, but rather it is designed to aid in defining department procedure and deployment, while adhering to current FAA regulations that govern UAS usage, and those detailed in the manufacturer's flight manual.

463.2 MISSION

- (a) Request to deploy the UAS shall be approved by the on duty Watch Commander.
 - (b) Only authorized UAS Operators shall be permitted to operate the UAS.
 - (c) UAS operations shall only be conducted in accordance with the San Joaquin County Sheriff's Office FAA Certificate of Waiver or Authorization (COA), or within the guidelines set out in Title 14 CFR, Part 107 (Code of Federal Regulations).
 - (d) The following is a list of possible missions that a UAS could be utilized for:
 - (a) Searches (i.e. for an outstanding suspect, article search, public safety hazard)
 - (b) Crime scene video /photographs
 - (c) HAZMAT response
 - (d) Search and rescue
 - (e) Missing persons
 - (f) Barricaded persons
 - (g) Traffic collision investigations
 - (h) CRT operations
 - (i) Disaster response
 - (j) Special Events
 - (k) Training
 - (l) Community Engagement Presentations
 - (m) Infrastructure inspection
 - (n) Special Operations
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(e) Use of vision enhancement technology (e.g.) thermal and other imaging technology) is permissible only in area where there is no reasonable expectation of privacy, or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

463.3 DEFINITIONS

(a) **FEDERAL AVIATION ADMINISTRATION (FAA):** The national aviation authority of the United States, with powers to regulate all the aspects of American aviation.

(b) **UNMANNED AIRCRAFT SYSTEM (UAS):** Aircraft, including, but not limited to, an aircraft commonly known as a drone, that is operated without the possibility of direct human intervention from within or on the aircraft.

(c) **REMOTE PILOT IN COMMAND (PIC):** The remote pilot in command is the officer who is ultimately overall responsible for the safe operation of the UAS and the public's safety during the flight.

(d) **PERSON MANIPULATING THE CONTROLS (PMC):** The person who is piloting / physically controlling the flight of the UAS. If this person is not the PIC, then the PMC shall be under the direct supervision of the PIC.

(e) **FIRST PERSON VIEW (FPV):** A monitor utilized by the PIC or PMC in order to view the live video being received from the UAS.

(f) **VISUAL OBSERVER:** Ground based observers will assist with operations and will assist the pilot in command to utilize the "see and avoid" technique by scanning the area for air traffic or possible hazards.

463.4 REMOTE PILOT IN COMMAND (PIC) DUTIES

The PIC's primary duty is the safe and effective operation of Sheriff's Office UAS. The PIC shall receive training on the operation and basic maintenance / upkeep of all components used during the operation of the UAS. In addition to the rules and requirements specified by the FAA, the PIC shall perform training flights as often as possible that will include takeoffs, landings and operating the video system and equipment.

463.5 VISUAL OBSERVER DUTIES

The Visual Observer is responsible for maintaining visual observation of the UAS while in flight and alert the Operator of any conditions which may affect the safety of the flight (obstructions, terrain, air traffic, weather, etc.). The Visual Observer will be responsible for all aviation communications required by the FAA. To accomplish this, the Visual Observer will be in close proximity to the Operator of the UAS.

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463.6 OPERATIONAL CONSIDERATIONS

- (a) **PROTECTION OF THE NON-PARTICIPATING PUBLIC.** All operations should occur within a secured perimeter, with controlled access into and out of the area, when feasible. Every attempt shall be made to offset operations from the nearest person.
- (b) **SEARCH WARRANTS.** Search warrants shall be obtained when required by law.

463.7 PRE-FLIGHT AND FLIGHT PROCEDURES

(a) PRE-FLIGHT PROCEDURE

Pre-Flight procedures will be conducted prior to each flight and will be done in accordance with the checklist prepared by the Sheriff's Office UAS unit and in accordance with the manufacture's recommendations. Any issues found during the pre-flight procedures will be noted and it will be the decision of the PIC to determine if the issue will alter the safe flight and operation of the UAS.

(b) LAUNCH PROCEDURES

- (a) Prior to the launch of the UAS, the PIC is responsible for ensuring the checklist has been conducted and the aircraft / ground station is safe to operate. The PIC will communicate with the Visual Observer to confirm that the area is visibly clear of any low flying air traffic, hazardous obstacles, or safety hazards prior to lift off.
- (b) The PIC is responsible for ensuring all notifications to the Stockton Airport Air Traffic Control Tower and authorities have been made in accordance with the rules and guidelines set forth by the FAA.

463.8 POST LAUNCH AND LANDING PROCEDURES

(a) POST LAUNCH

- (a) Although the UAS can be flown autonomously, the PIC will monitor the UAS, base station, and payload systems to ensure the UAS is flying as designed and maintains the proper altitude.
- (b) After liftoff, crew members shall perform tasks according to their job assignment, while communicating clearly and effectively to monitor the UAS as it climbs to the desired mission altitude.

(b) LANDING PROCEDURES

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- (a) It will be the responsibility of the PIC to confirm the mission objective has been met or the mission is too unsafe to continue prior to landing the UAS.
- (b) The PIC will communicate with the Visual Observer to confirm no obstacles are in the flight path of the UAS and the return "home" location prior to giving the command for the UAS to return home.
- (c) The Visual Observer will monitor the UAS as it is landing to ensure a proper landing. If the UAS is not landing as desired or commanded, the observer will notify the PIC who will determine if the landing will be aborted.
- (d) It will be the responsibility of the PIC to ensure contact is made with the Stockton Airport Air Traffic Control Tower or proper tower in accordance with FAA guidelines to advise completion of the mission.

463.9 COLLISIONS

- (a) If a collision occurs during the operation of the UAS and results in serious injury to any person, any loss of consciousness, or if it causes damage to any property (other than the UAS) in excess of \$500 to repair or replace the property, notification shall be made to the Flight Standards District within ten days per FAA guidelines.
- (b) While at the scene the PIC shall notify a supervisor, and Technical Services will respond to photograph the collision and any injuries and/or property damage that has occurred. The PIC shall be responsible for completing a documented report describing the incident and damage. The UAS Commander shall conduct a review of the collision and determine if the collision could have been prevented through maintenance, training, etc., and ensure all necessary paperwork has been submitted.

463.10 SYSTEM REQUIREMENTS/MAINTENANCE

(a) SYSTEM REQUIREMENTS

- (a) The UAS will be purchased and maintained by the Sheriff's Office.
- (b) Only UAS Systems authorized by the Sheriff's Office should be deployed

(b) **MAINTENANCE:** The UAS shall be maintained regularly per the user manual and manufacturer's recommendations. Only properly trained personnel shall complete any repairs or perform maintenance on the UAS.

463.11 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- 1. To conduct random surveillance activities.
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2. To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
3. To harass, intimidate or discriminate against any individual or group.
4. To conduct personal business of any type.

463.12 TRAINING

(a) All members within the unit that will act as a PIC, shall be trained and maintain proficiency in their operator/ observer abilities. Each PIC shall be certified as an operator in accordance with current FAA requirements and standards. The PIC will stay proficient in the job function by participating in monthly scheduled department training sessions. During these training sessions the PIC will be required to fly a qualification course with a passing score. This qualification course will include skills, obstacles, and utilizing the UAS in a manner consistent with law enforcement deployments. A PIC who does not have any documented training or flight time within a span of 90 days (due to vacation, court appearance, etc.) will have to show proficiency prior to any deployment and the supervisor may suspend his/her duties as flight crew/PIC until the officer has had updated training and completed a qualification course.

(b) IMAGE RETENTION: With the exception of training and demonstration purposes, all missions where the UAS is utilized shall be recorded. The recording shall be downloaded under the related documented report or incident number in and retained in accordance with the Records Retention schedule.

(c) DOCUMENTATION: All flights shall be documented by the PIC, or an involved officer. The documentation shall, at minimum, include:

- (a) All flight times and locations.
- (b) Reason for the flight.
- (c) Name of approving supervisor.
- (d) Any additional relevant information to the mission.

(d) STATISTICS: Monthly statistics should be submitted by the UAS Sergeant to the UAS Commander for review each month. These reports should include:

1. Number of flights
 2. Personnel involve
 3. Total time the UAS was used
 4. Maintenance log on each UAS
 5. The number of flights which resulted in the collection of data which was retained
 6. Any additional relevant information regarding missions that were preformed
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Unmanned Aerial System (UAS) Operations

In addition to above documentation will be maintained in the following logs at will be reviewed by the UAS Commander monthly and given to the Sheriff annually:

1. Training log
2. Maintenance log
3. Mission/flight log

Public Recording of Law Enforcement Activity

466.1 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.

466.2 POLICY

The San Joaquin 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.

466.3 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.

466.4 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.

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Public Recording of Law Enforcement Activity

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

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.

466.5 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.

466.6 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.
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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.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Medical Aid and Response

468.1 PURPOSE AND SCOPE

This policy recognizes that personnel often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

468.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office that all deputies and other designated personnel be trained to provide emergency medical aid and to facilitate an emergency medical response.

468.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, personnel should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and 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 Communications Center and request response by emergency medical services (EMS) as the member deems appropriate.

Personnel should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Personnel should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications 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 excited delirium or other agitated chaotic behavior.

Personnel should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Personnel should not direct EMS personnel whether to transport the person for treatment.

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Medical Aid and Response

468.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, personnel 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.

Personnel should not provide emergency escort for medical transport or civilian vehicles.

468.5 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, personnel may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Personnel shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

468.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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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.

468.6 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 Taser Guidelines policies.

468.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Captain of the Patrol Division should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Personnel should direct vehicle and pedestrian traffic away from the landing zone.

Personnel 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.
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- Ensure that no one smokes near the aircraft.

468.8 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).

468.8.1 AED USER RESPONSIBILITY

Personnel who are issued AEDs for use in department 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 Custody Division Administrative Lieutenant, who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

468.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

468.8.3 AED TRAINING AND MAINTENANCE

The Captain of the Professional Standards Division should ensure appropriate training and refresher training is provided to personnel authorized to use an AED. A list of authorized personnel 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 Custody Division Administrative Lieutenant 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).

Crisis Intervention Incidents

470.1 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.

470.1.1 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.

470.2 POLICY

The San Joaquin 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 personnel's interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

470.3 SIGNS

Personnel 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
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Crisis Intervention Incidents

Personnel 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.

470.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Division Captain 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.

470.5 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.
-

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- (k) If circumstances reasonably permit, consider and employ alternatives to force.

470.6 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 personnel 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.

470.7 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.

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470.8 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.
- (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 Patrol Division Captain.

Evaluate whether a critical incident stress management debriefing for involved personnel is warranted.

470.9 INCIDENT REPORTING

Personnel 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.

Personnel 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.

470.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

470.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian personnel may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Personnel should treat all individuals equally and with dignity and respect.
- (b) If personnel believe that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Personnel 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

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person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

470.11 EVALUATION

The Patrol Division Captain, designated to coordinate the crisis intervention strategy for this department, should ensure that a thorough review and analysis of the department response to 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.

470.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the department will develop and provide comprehensive education and training to all department personnel 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).

Administration of Opioid Overdose Medication

471.1 PURPOSE

This policy establishes guidelines and regulations for trained San Joaquin County Officers to administer Intranasal Naloxone.

471.2 SUMMARY

Naloxone (Narcan) to person(s) suspected of experiencing opioid-related overdose. It is the policy of the San Joaquin County Sheriff's Office that employees who administer Naloxone shall be properly trained in its use and deployment according to the law and guidelines in this procedure. In 2014, Senate Bill 1438 tasked the California Emergency Medical Services Authority with adopting training and standards for all pre hospital emergency medical care personnel, including peace officers, with the use and administration of Naloxone Hydrochloride to treat opioid overdoses to reduce fatalities. Peace officers who administer Naloxone are protected from civil and criminal liability if they "act with reasonable care and in good faith" (California Health and Safety Code 1797.197 and Civil Code 1714.22). Naloxone is now in the Public Safety First Responder optional scope of practice under the California Code of Regulations, Title 22, Division 9 Pre hospital Emergency Medical Services, Chapter 1.5 First Aid and CPR Standards and Training for Public Safety Personnel, specifically section 100019(f).

471.3 DEFINITIONS

- (a) Opioid: A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity in the central nervous system; these will reduce pain, induce sleep and in overdose will cause people to stop breathing. First responders often encounter opiates in the form of Morphine, Methadone, Codeine, Heroin, Fentanyl, Oxycodone and Hydrocodone.
- (b) Naloxone: Prescription medications that can be used to reverse depressed breathing and improve alertness. Specifically, it displaces opiates from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan.

471.4 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code §714.22; 22 CCR 100019):

- (a) When trained and tested to demonstrate competence following initial instruction.
 - (b) When authorized by the medical director of the LEMS.
 - (c) In accordance with California Peace Officer Standards and Training (POST) standards.
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471.5 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, shall handle, store and administer the medication consistent with their training. Members should check the medication at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication should be removed from service and given to the Administrative Lieutenant of the Patrol Division.

Any member who administers an opioid overdose medication shall contact the Communications Center as soon as possible and request response by EMS.

471.6 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication shall detail its use in a documented report and complete the Narcan Use Form See attachment: 471 Narcan Use Form.pdf

When Naloxone is administered on an individual, officers will collaborate with paramedics to ensure the OCFA Patient Care Report (PCR) documents that Naloxone was administered including the number of doses administered. Additionally, an officer who applies Naloxone shall notify a supervisor and document the details of the application on an Information Report including a description of any evidence of drug use (narcotics, drug paraphernalia, etc.) observed at the scene and witness statements. The supervisor shall document deployment on the Dispatch Log. The supervisor will forward the original Narcan Use Form to the Administrative Lieutenant of the Patrol Division.

471.7 OPIOID OVERDOSE MEDICATION TRAINING

The Captain of the Professional Standards Division 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).

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The Sheriff does not operate a dedicated traffic enforcement unit in accordance with the California Government Code. However, there are staff deployments under law enforcement contract services that do require traffic enforcement. This does not preclude Deputy Sheriffs from enforcing sections of the California Vehicle Code upon observation of any violation.

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the San Joaquin County Sheriff's Office. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

Deputies assigned to traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 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

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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:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

500.4 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 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.

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500.5 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

502.1 PURPOSE AND SCOPE

The San Joaquin County Sheriff's Office, pursuant to the provision of contract law enforcement services, prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY

The assigned supervisor of any division investigating traffic collisions will be responsible for distribution of the Collision Investigation Manual. The assigned supervisor will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision investigations taken by members of this department shall be forwarded to their immediate supervisor for approval by them or their designee and data entry into the appropriate Records Management System. Any Division responsible for traffic collision investigations will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded as required.

502.4 REPORTING SITUATIONS

502.4.1 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 Captain.

Photographs of the collision scene and vehicle damage shall be taken in every case, by Technical Services.

To avoid conflicts of interest, accidents involving county vehicles and/or contracted policing vehicles shall be investigated by the California Highway Patrol or other third party law enforcement agency. The Patrol Field Supervisor or the Watch Commander will notify the California Highway Patrol or agency of jurisdiction for assistance.

502.4.2 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Patrol Field Supervisor 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.

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502.4.3 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.

502.4.4 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

502.4.5 SCHOOL BUS COLLISIONS

Deputies shall become familiar with section 545 of the California Vehicle Code, which designates the California Highway Patrol as the investigating agency for all school bus accidents. If the school bus does not have passengers, it is no longer considered a school bus accident by the above standards. In this case it will be investigated by the agency of jurisdiction.

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the San Joaquin County Sheriff's Office. Nothing in this policy shall require the Department to tow a vehicle.

510.2 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.

510.2.1 VEHICLE STORAGE REPORT

Department 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 Division as soon as practicable after the vehicle is stored.

510.2.2 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 Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call rotation tow for the County of San Joaquin. The deputy will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department 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).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- 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 Department will not be responsible for theft or damages.

510.2.4 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 in the documented report 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.

510.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

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510.2.7 RECORDS DIVISION 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.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Division to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

510.3 TOWING SERVICES

The Sheriff's Office utilizes the firm(s) approved and utilized by the local office of the California Highway Patrol (Stockton) to act as the official tow service. These firms may 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 from the streets of vehicles obstructing traffic in violation of state or local regulations.

510.4 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 Department against fraudulent claims of lost, stolen, or damaged property.

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510.5 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.

510.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle 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

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requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the San Joaquin 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)).

512.2.1 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 Case Management Sergeant of Patrol or Administrative Sergeant of the police contract city 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),

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warranting release of the vehicle. This mitigating circumstance exception is not limited to situations 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

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department personnel who play a role in the detection and investigation of driving under the influence (DUI) and boating under the influence (BUI).

514.2 POLICY

The San Joaquin 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.

514.3 INVESTIGATIONS

County assigned deputies, with the exception of contract city and Boating Safety 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.

514.4 TACTICS/CHECKPOINTS

[illegible]

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514.5 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.
- (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.

514.5.1 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 his/her blood or breath, and the deputy shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she 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)).

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514.5.2 BREATH SAMPLES

The Portable Evidential Breath Test (PEBT) Coordinator 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 PEBT Coordinator.

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 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)).

514.5.3 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 he/she 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 he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she 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.

514.5.4 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 his/her 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.

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514.5.5 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).

514.5.6 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, he/she shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

514.5.7 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 his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, deputies should:

- (a) Advise the arrestee of the requirement to provide a sample, as well as the consequences of a refusal. (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.6.1 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
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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.

514.6.2 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she 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 his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the withdrawal is taken in a medically approved manner.
- (e) Ensure the forced withdrawal is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied is 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 suspect 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 being withdrawn may be permitted.
- (g) Ensure the use of force and methods used to accomplish the blood sample draw 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.

514.6.3 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)).

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514.7 RECORDS DIVISION 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.

514.8 ARREST AND INVESTIGATION

514.8.1 WARRANTLESS ARREST

In addition to the arrest authority granted to deputies pursuant to Penal Code § 836, a deputy may make a warrantless arrest of a person that the deputy has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic accident.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to him/herself or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.8.2 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.
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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Case Management Sergeant, and/or the Administrative Sergeant of a contract city, shall be responsible for the development and design of all department traffic citations in compliance with state law and the Judicial Council. Final approval for modifications will be by the Assistant Sheriff of Operations.

516.3 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)).

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.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall prepare a Notice of Correction/Amendment. The Notice of Correction/Amendment shall be returned to the Case Management Unit. Once the Notice of Correction/Amendment is approved by the Case Management Unit, it will then be forwarded to Records Division, the court having jurisdiction and to the recipient of the citation.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the Case Management Unit for review. The citation copies shall then be filed with the Records Division.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Patrol Administrative Sergeant.

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516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215 and in accordance with the contracted parking citation processing service.

516.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

- (a) Administrative Reviews are requested by the person cited through the Citation Processing Center, either by mail or phone. The Administrative Review is conducted by the Patrol Administrative Sergeant or the Administrative Sergeant of a police contract city who will review written/documentary data. The results of the Administrative Review are entered by the Hearing Officer on the Citation Processing Center's computer system. A written notice is then sent to the person cited advising them of the outcome.
- (b) If the appellant wishes to pursue the matter beyond Administrative Review, an administrative hearing may be requested in writing or via the Citation Processing Center's website. This hearing may be conducted in person, in written form, or by telephone, at the election of the appellant. The Patrol Administrative Sergeant or the Administrative Sergeant of a police contract city will review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own. The decision rendered will then be entered into the Citation Processing Center computer system. A written notice is then sent to the person cited advising them of the outcome.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
 - (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
 - (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
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- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

516.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

520.1 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.

520.2 DEPUTY RESPONSIBILITY

When an on-duty uniformed 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 make a referral to the dispatch center of the appropriate law enforcement agency as soon as practical.

520.3 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.

520.3.1 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.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

72-Hour Parking Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the San Joaquin County Ordinance 10-4500 which regulates 72-hour parking violations in this county. California Vehicle Code 22651(k) allows every jurisdiction the authority to develop an ordinance regulating parking upon public roads and public right of ways.

524.2 MARKING VEHICLES

Vehicles identified as being in violation of the County of San Joaquin 72-Hour Parking Ordinance shall be marked and noted on a Vehicle Check/Parking Warning. No case number is required at this time.

The location of the two vehicle's valve stems shall be indicated on the top half of the Vehicle Check/Parking Warning. The bottom half of the Vehicle Check/Parking Warning shall be placed in a conspicuous location on the vehicle.

The top half of the Vehicle Check/Parking Warning shall be submitted to the Abatement Unit and/or contact city Administrative Office for processing.

524.3 REMOVAL OF ABANDONED VEHICLE

Vehicles tagged with a Vehicle Check/Parking Warning will be rechecked after 72 hours has lapsed. If the investigating employee determines that the vehicle is in violation of the 72 hour parking ordinance 10-4500, the investigating employee can remove the vehicle without further notice, utilizing the tow authority of 22669(a) CVC. The removal after 72 hours is generally done due to complaints of the vehicle being a nuisance in the neighborhood. A 10 day letter is not required for a vehicle being removed as abandoned after 72 hours. A vehicle removed without a 10 day Notice of Removal Letter cannot be claimed in the Abandoned Vehicle Program.

524.4 ABANDONED VEHICLE MISSING COMPONENTS

An abandoned vehicle missing components that would make it unsafe to operate on the highway can be towed immediately without notice using tow authority 22669(d) CVC. A vehicle removed under 22669(d) CVC **CAN BE** claimed in the Abandoned Vehicle Program.

524.5 ABANDONED VEHICLE PROGRAM

Removal of vehicles to be claimed in the Abandoned Vehicle Program will, after 72 hours has passed, require a 10-day Notice of Removal Letter be sent by Certified Mail to the last registered and current legal owner of the vehicle. This process will be handled by the Abatement Unit and/or contract city Administrative Office.

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524.6 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP 180) shall be completed by the employee/volunteer authorizing the removal of the vehicle. 22669(a) CVC is the tow authority section to utilize when removing abandoned vehicles.

The storage report form (CHP 180) shall be submitted to the Records Division immediately following the storage of the vehicle. It shall be the responsibility of the Records Division to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Case Management Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

Lidar Radar Use

525.1 PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the enforcement of speed laws and other careless driving acts of all drivers and this is a priority of this agency. Driving a motor vehicle at unsafe speeds and in a negligent manner poses a threat to traffic safety and to members of the public. Our goal is to reduce the number of traffic collisions and provide a safe and expeditious flow of vehicular and pedestrian movement through the proactive approach of enforcing speed laws.

525.2 POLICY

Traffic Safety is of primary concern of Divisions of the Sheriff's Office performing contracted policing services. Traffic collisions have a traumatic impact on the physical, emotional and financial wellbeing of the involved parties. Contracted Policing Services are committed to reducing the number of traffic collisions through education, engineering, and proactive enforcement.

525.3 LAW

Officers performing traffic related functions in contracted policing services must become familiar with the California Vehicle Code along with municipal codes pertaining to their jurisdictions.

525.4 PROCEDURE

- (a) Responsibility: Officers assigned to perform traffic enforcement functions in contracted policing services will proactively search for drivers who fail to drive at safe and posted speeds, and fail to obey safe driving practices. This is to promote the safe movement to the motoring public and to pedestrians along public roadways, public lands and public or private parking areas. Officers will follow policy section 402 when conducting traffic enforcement stops.
 - 1. It is incumbent upon each officer to take it upon him/herself to maintain the equipment and notify his/her supervisor when equipment is damaged or is in need of the required recalibration checks.
 - 2. Devices that are not in compliance with the calibration time limits will not be used.
 - (a) Radar and lidar devices that are damaged or in need of recalibration will be forwarded to the Contract Police Services administrative staff to be processed for repairs.
 - (b) The administrative sergeant will be notified of all patrol unit(s) in need of speedometer calibration confirmation. The administrative sergeant will then assign an officer to complete the speedometer confirmation test.

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- (b) Quotas Prohibited: The Sheriff's Office will not establish a ticket quota, number of arrests or tickets issued by any individual sworn or non-sworn, and this data shall not be the sole criterion valuating an officers overall performance (41602, 41603 CVC).
 - (c) Enforcement
 - (a) Speed Enforcement: The enforcement of speed law violations is a high priority of this department, as speed is a significant contributing factor in many traffic collisions and directly contributes to injury and fatality rates.
 - (a) Radar and Lidar Enforcement: Radar and Lidar devices are the primary detection method for officers conducting speed enforcement. Officers shall not engage in radar or lidar speed enforcement activities prior to completion of a P.O.S.T. certified training course for radar/lidar operators course, in compliance with 40802 CVC. Whether operating handheld or fixed radar units, or handheld lidar units, officers shall comply with training and manufactures instructions for the operation of the unit(s).
 - (a) All radar/lidar units utilized by this department shall meet or exceed standards set by the National Highway Traffic Safety Administration. The radar/lidar units shall also comply with all local, state and federal regulations.
 - (b) The operating officer shall check the calibration of the radar/lidar unit at the beginning, once during, and at the end of their shift.
 - (a) Radar: The check shall be made through the use of the appropriate tuning fork and internal calibration devices consistent with training and the manufactures instructions.
 - (b) Lidar: The check shall consist of a short range check (50 feet) and a long range check (100 feet or greater) from predetermined and known premeasured distances. Verify horizontal and vertical alignment shall also be conducted, consistent with training and manufactures instructions.
 - (c) All radar and lidar devices will have its calibration checked once every three years by an independent certified laser or radar repair testing or calibration facility, in compliance with 40802 CVC.
 - (b) Vehicle Pacing: Use of the patrol units speedometer by pacing a suspected speed violator is another acceptable form of speed measuring device. The vehicle's speedometer shall meet manufacturer's specifications for the particular year and model of vehicle. When pacing a speed violator, and developing the necessary facts, the officer shall conduct a traffic enforcement stop in a safe manner and in accordance with current policy. The relevant facts that the officer should develop are the following:
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1. Know the posted speed limit on the roadway where the violation has been observed.
 2. Gauge the suspected violator's speed against the speed of other vehicles, if present.
 3. Pace the suspected violator while maintaining a consistent speed and distance, between the patrol unit and the suspected violators vehicle, for an adequate travel distance (minimum of 2/10th miles is recommended).
 4. The regular routine care and upkeep of the patrol units speedometer is the responsibility of the SJSO motor pool. If an officer notices a problem with the speedometer on his/her patrol car, they shall down the patrol unit for repairs.
 5. A speedometer calibration confirmation test will be performed, twice a year, once every six month period. This will be completed by the following:
 - (a) Conducted by any officer that has successfully completed radar training.
 - (b) Using a hand held radar device, as mentioned in this section, to check the speedometer calibration. The calibration of the radar device will be checked prior to and after each individual patrol unit speedometer confirmation test is performed.
 - (c) The testing officer will record his/her results of the speedometer confirmation test in the respective patrol units file. This information will contain the date tested, officer performing the test, speedometer indicated speed, and the true speed. This file will be maintained at the Contract Police Services office and/or the Sheriff's Office Motor Pool.
 - (d) A copy of these results will also be placed in the patrol unit in a conspicuous location. This information will contain the date tested, officer performing the test, speedometer indicated speed, and the true speed.
- (b) Traffic Enforcement: In an effort to increase traffic safety in the contracted policing services jurisdictions, several strategies may be implemented including, but not limited to the following:
- (a) Use of marked patrol cars and or motorcycles.
 - (b) Utilizing stationary radar speed signs and mobile speed trailer.
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- (c) Mobile or stationary observations of specific locations where there is a high incident rate of the following:
 - 1. Hazardous violations
 - 2. Traffic collisions
 - 3. Citizen complaints
 - (d) Collection of data from traffic collision reports.
 - (c) Parking Enforcement:
 - (a) Sworn officers are expected to perform parking enforcement activity by the use of warnings, parking citations, and appropriate tagging and marking of parking violations or abandon vehicles.
 - (b) Various circumstances will dictate the action to be taken, which are not limited to the following: Presence of illegally parked or abandon vehicle(s) create an immediate hazard; in response to specific complaints; as part of an effort to remove a community nuisance; self-initiated activity when such action is appropriate.
 - NOTE: When vehicles have been marked and tagged for abandonment, or have expired registration over the specified time (22651(o) CVC), removal and towing of non-hazardous vehicles shall be performed during Contract Police Services normal business hours.
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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, deputies shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the District Attorney, County Counsel, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or County Counsel's Office only as authorized by a Division Captain or the Sheriff.

This policy is not intended to prevent investigating deputies from discussing their opinions with members of the District Attorney staff who they work together with on specific cases. This policy is also not intended to prevent investigating deputies from revealing information discovered during an on-going investigation which tends to show innocence or guilt of any person.

600.3 REQUESTS FOR HIGHER BAIL

Members of the San Joaquin County Sheriff's Office shall conform to California Penal Code Section 1269(c) when seeking higher bail.

600.3.1 PROCEDURE

Whenever an arresting officer has reasonable cause to believe that the amount of bail set forth in the bail schedule for that offense is insufficient to assure defendant's appearance in court, the arresting officer shall:

- (a) Advise the jail at time of booking of the intent to secure higher bail.
 - 1. Make notation on the booking slip of the intent to seek higher bail.
 - 2. Notify the Jail Sergeant of the intent. The Jail Sergeant will notify the Records Office Assistant Supervisor.
 - (b) Advise immediate supervisor of the intent to secure higher bail.
 - (c) Contact the District Attorney's Office for assistance in preparation of the affidavit in support of higher bail. This must be secured within eight (8) hours after booking. After normal business hours, contact the on-call District Attorney via the Communications Center.
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- (d) Such affidavit shall be typed on legal paper and presented to a judge for review (see attached forms as examples).
- (e) If approved during normal business hours, deliver the original order and supporting declaration to the Court Clerk for filing. (The court will provide a copy with a court seal to furnish to the jail.) Make additional copy for the documented report.
- (f) If approved outside normal business hours, prepare two copies and have the judge sign both, one for the jail and the other to be furnished to the Court Clerk for the next court day. Make an additional copy for the documented report.
- (g) If the request for higher bail is denied, immediately notify the Jail Sergeant so the defendant may be admitted to bail on the existing schedule (a Court Order changing the amount of bail must be issued within eight (8) hours after booking). The Jail Sergeant will notify the Records Office Assistant Supervisor.

600.4 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 department 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.
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Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

Sexual Assault Investigations

602.1 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 Adult Abuse policies.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that 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 § (a) and (b)).

- (a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a or 289, the assigned deputy shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
 - (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).
 - 1. Prior to any such examination the assigned deputy shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
 - 2. A support person may be excluded from the examination by the deputy or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).
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602.3 TESTING OF SEXUAL ASSAULT EVIDENCE

- (a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, the CASA Sergeant will take (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g).
- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the CASA Sergeant should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).
- (c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the CASA Sergeant shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

602.4 VICTIM NOTIFICATION OF DNA STATUS

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned deputy may inform the victim of the status of the DNA testing of any evidence from the victim's case.
 - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.
 - (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
 - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
 - 2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 - 3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.
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- (c) Provided that the sexual assault victim or victim's designee has kept the assigned deputy informed with regard to current address, telephone number and e-mail address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.
 - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. No deputy shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

602.5 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

602.6 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications 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 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.

602.6.1 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that 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).

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Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.6.2 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned deputy shall accomplish the following:

- (a) 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, any other rights of a sexual assault victim pursuant to 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 his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

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.

602.7.1 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). Generally, rape 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 sexual assault kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within

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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 kit submitted to a private 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 evidence has been analyzed or the statute of limitations has run (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(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.7.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (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 department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
 - (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
 - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
 - 2. To be informed if there is a 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.
-

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3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.
- (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.

602.7.3 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.2 POLICY

The San Joaquin County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the San Joaquin County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol deputy should contact a narcotics detective. The following guidelines will be observed:

- (a) The Asset Forfeiture detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized.

(b) [REDACTED]

(c) [REDACTED]

- (d) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon an investigation done by an Asset Forfeiture Detective with approval of a METRO Narcotics Office:

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- (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 Asset Forfeiture Detective can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture and seeks authority from the Asset Forfeiture Deputy District Attorney.

Deputies aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting an Asset Forfeiture Detective, who will contact a Deputy District Attorney regarding a court order to protect the assets. (Penal Code § 186.6; Penal Code § 236.6)

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
 - (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
 - (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
 - (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
 - (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).
-

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606.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The Asset Forfeiture Detective, prior to seizing a vehicle, shall contact the Asset Forfeiture Deputy District Attorney for authorization. After approval to seize the vehicle, the Asset Forfeiture Detective shall notify the METRO supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into the Evidence Room as either evidence or for safekeeping.

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAINING SEIZED PROPERTY

The Property Bureau 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.
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- (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.
-

Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 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 San Joaquin County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the San Joaquin County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 INFORMANT FILE SYSTEM

[REDACTED]

608.2.1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Informants



608.3 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The deputy using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor and Division Captain before being finalized with the confidential informant.

608.3.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the San Joaquin County Sheriff's Office shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the San Joaquin County Sheriff's Office shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain deputy/informant integrity, the following must be adhered to:

- (a) Deputies shall not withhold the identity of an informant from their superiors
 - (b) Identities of informants shall otherwise be kept confidential
 - (c) Criminal activity by informants shall not be condoned
 - (d) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the San Joaquin County Sheriff's Office, and that they shall not represent themselves as such
 - (e) The relationship between deputies and informants shall always be ethical and professional
 - (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Division Captain.
 - (g) Deputies shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional deputy or with prior approval of the Division Captain. Deputies may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments deputies shall arrange for the presence of another deputy
-

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- (h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses

608.4 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.4.1 PAYMENT PROCEDURE

[REDACTED]

[REDACTED]

[REDACTED]

608.4.2 CASH DISBURSEMENT POLICY

[REDACTED]

(a) [REDACTED]

(b) [REDACTED]

(c) [REDACTED]

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608.4.3 PAYMENT PROCESS

[REDACTED]

[REDACTED]

[REDACTED]

608.4.4 REPORTING OF PAYMENTS

[REDACTED]

[REDACTED]

Investigative Guidelines

609.1 PURPOSE AND SCOPE

Investigative Guidelines are contained herein to assist deputies in their investigations. they are included as follows:

Section 609.2 - Property Investigations

Section 609.3 - CASA Investigations

Section 609.4 - Narcotics Investigations

Section 609.5 - Crimes Against Persons Investigations

Section 609.6 - Coroner's Investigations

Section 609.7 - General Investigations

609.2 PROPERTY INVESTIGATIONS

The following guidelines are contained in this section:

609.2.1 - Burglary

609.2.2 - Rural Crimes

609.2.3 - Hi-Tech Crimes

609.2.1 BURGLARY

(a) Report Checklist

1. Procedure

(a) Refer to Penal Code Sections: 459, 460, and related Sections 496

(b) Referral to Detectives

1. Patrol Sergeants may contact Investigation Divisions and request they take over an investigation for continued follow up when:

(a) Large amounts of money have been taken, there is significant property loss

(b) A serious crime pattern is forming, the incident is likely to draw major media attention,

(c) The crime is so complex that it requires advanced investigative skills

(d) To make out of county suspect contacts.

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2. All referred cases should be sent to the Unit Sergeant for assignment.
 3. In all other instances Patrol staff can handle the investigation from start to finish.
-
2. Documented Report
 - (a) Summary -should include a brief set of facts about your probable cause, then go into detail in the narrative of the report.
 1. Name of the victim and/or business.
 2. Location of occurrence (be specific in your description).
 3. The date and time of occurrence (or time range i.e. 0400 on 4/5/04 to 1600 on 4/6/04).
 4. The method of entry (i.e. entry made through broken kitchen window).
 5. Brief summary of interviews and statements made that are relevant to the facts showing the elements of burglary/theft.
 6. List charges requested in complaint.
 - (b) Narrative
 1. Take detailed statements from victims/witnesses.
 2. Determine victims/witness activity during time of occurrence.
 3. Was there any suspicious activity in the immediate area prior to the burglary?
 4. Check with adjoining neighbors and adjacent buildings for possible suspect information and indicate in your narrative.
 5. Ask if they have possible suspect information, and why they feel the person named should be considered a suspect.
 - (c) Follow up any possible leads on suspect and take appropriate action.
 1. Conduct suspect interview, note any spontaneous statements made by the suspect.
 - (d) Modus Operandi
-

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1. Note any information in the Narrative that would point to how burglary occurred.

- (a) Number of suspect(s)
- (b) How the suspect(s) gained entry (i.e. via the roof, door kick dog door, types of tools used, etc.)
- (c) How did the suspect(s) arrive and depart the scene

[REDACTED]

[REDACTED]

[REDACTED]

3. Evidence

- (a) Document any property taken and/or any evidence recovered from the scene. (If you cannot give a complete description in the evidence Face Sheet of the report, and then list any additional information about the evidence under a separate heading prior to recording the Narrative).

1. Indicate types of property and give detailed description of item (i.e. for valuable items such as jewelry, do not state the item was made of "silver" or "gold" or was a "diamond", use the wording such as "a silver color bracelet", or a "gold color necklace" or the ring had four white stones.").

- (a) Note any identification marks on items (such as initials, or CDL numbers inscribed on tools.
- (b) List any serial numbers on weapons or other items that can be entered into CLETS.

2. Indicate the location where the property was taken from (i.e. a jewelry box, kept in a dresser drawer in the master bedroom area).

3. If there is a large amount of property taken, or they do not know what is missing, provide the victim with a Stolen Property List form.

- (a) This form can be mailed to the Sheriff's Office or Patrol can be contacted to pick up the form. (do not confuse this form with the four part Evidence form that the deputy fills out to book in evidence).

- (a) These forms are mailed to Records Division.
-

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- (b) Technical Services should be requested to respond. (If T/S is not requested state the reason in your narrative.)
 - 1. Request photographs and/or latent search on those items that could aid in the identity of the responsible(s).
 - 2. Photograph crime scene, point of entry, damage, etc.
 - 3. At initial Technical Service response to crime scene, give any suspect information to Technician and request a fingerprint comparison against latents found at crime scene with your suspect(s).
- (c) Technical Service follow up
 - 1. If notified (after initial report) that there are usable latents at the scene of your burglary:
 - (a) Fill out request form for Technical Services to conduct Cal-ID on latents
 - (b) Submit any new suspect names that you may have for latent comparison purposes.
 - (c) If reasonable for the magnitude of the crime, blood swabs may also be taken for possible DNA database scan.

609.2.2 RURAL CRIMES

Rural Crime and Agricultural Crime are synonymous terms and as such, defined by a singular definition:

- Any property crime against a farmer, rancher, agricultural-related business or industry which takes place in the unincorporated rural areas of the state, and impacts the victims commercial production, distribution, or economic livelihood derived from agricultural products, livestock, petroleum, chemicals, farm implements and equipment.
 - Quite often, once a theft or loss has occurred, several days will elapse before the farmer or rancher is aware he has been the victim of a crime. Farming and Ag-business
-

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also presents an enormous problem for deputies and evidence technicians who must gather trace evidence after a crime has occurred. Evidence is often destroyed or lost by passage of time, exposure to elements or contamination by unknown victims undertaking their farming activities.

COMMODITIES

Commodities are a product of agriculture or mining. It is something useful or valued. Examples of commodities are fruits and vegetables, hay, nuts and cotton.

Investigation

- (a) The officer shall determine whether a crime occurred by conducting victim interviews.
 1. Document in detail how the crime occurred if specifics can be determined.
 2. Interview any witnesses or neighbors.
 3. Identify and document the type, quantity and estimated current value of the commodity taken or damaged.
 4. View the reported crime scene and determine if any trace evidence.
 5. Request technical services to respond to photograph and process potential trace evidence.
 6. If suspect is on the scene, attempt to interview and arrest or cite if applicable.
 7. Considerations regarding suspect arrest or interview:
 - (a) Suspects awareness of the investigation.
 - (e) Likelihood the suspect will flee the jurisdiction.
 - (f) Likelihood of evidence destruction.
- Deputies should familiarize themselves with the following Penal Code sections:
 - PC 487(b) (1) (A)-Grand Theft. When domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops (hay) are taken of a value exceeding two hundred fifty (\$250.00).
- All related thefts with a value of under two hundred fifty (\$250.00) will be charged PC 484(a)-Petty Theft.

CHEMICALS

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Chemical thefts can occur at any time of the year; the chemical stolen may depend on the season and use intended by the chemical applicator.

Investigation

- (a) The officer shall determine whether a crime occurred by conducting victim interviews.
 - 1. Document in detail how the crime occurred if specifics can be determined.
 - 2. Interview any witnesses or neighbors.
 - 3. Identify and document the name, type, quantity of units, and estimated current cost per unit and estimated replacement cost of the chemical taken.
 - 4. View the reported crime scene and determine if any trace evidence.
 - 5. Determine if any chemical spillage. If confirmed, determine the name, type and quantity and notify OES if needed.
 - 6. Request technical services to respond to photograph and process potential trace evidence.
 - 7. If suspect is on the scene, attempt to interview and arrest or cite if applicable.
 - 8. Considerations regarding suspect arrest or interview:
 - (a) Suspects awareness of the investigation.
 - (e) Likelihood the suspect will flee the jurisdiction.
 - (f) Likelihood of evidence destruction.

LIVESTOCK

Investigation

- (a) The officer shall determine whether a crime occurred by conducting victim interviews.
 - 1. Document in detail how the crime occurred if specifics can be determined.
 - 2. Interview any witnesses or neighbors.

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- [REDACTED]
- [REDACTED]
4. View the reported crime scene and determine if any trace evidence.
 5. Request technical services to respond to photograph and process potential trace evidence.
 6. If suspect is on the scene, attempt to interview and arrest or cite if applicable.
 7. Considerations regarding suspect arrest or interview:

(a) Suspects awareness of the investigation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(e) Likelihood the suspect will flee the jurisdiction.

(f) Likelihood of evidence destruction.

- Deputies should familiarize themselves with the following Penal Code section:
 - PC 487487a(a) If theft is a bovine animal (cow), caprine animal, horse, mule, sheep, lamb, hog, pig etc. then regardless of the animal value, the crime is a felony.
- Educate Farmers/Ranchers.
- [REDACTED]
- Maintain records of identification with a description of animals and photographs or video of valuable stock.
- Use strong chains and locks on all gates, across access routes and on loading ramps.
- Regularly check your stock and the fences where the stock is grazing daily.
- Avoid establishing a routine time when checks are made.

FARM MACHINERY OR HEAVY EQUIPMENT

Investigation

- (a) The officer shall determine whether a crime occurred by conducting victim interviews.
 1. Document in detail how the crime occurred if specifics can be determined.
-

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2. Interview any witnesses or neighbors.
3. Identify and document the manufacturer, make, model, color, year, markings such as decals, company name, PIN, VIN, OAN numbers and estimated current replacement value.
4. Determine if equipment was locked and if key was left with it.
5. Complete CHP 180 form for theft and recoveries.

[REDACTED]
[REDACTED]

7. View the reported crime scene and determine if any trace evidence.
8. Request technical services to respond to photograph and process potential trace evidence.
9. If suspect is on the scene, attempt to interview and arrest or cite if applicable.
10. Considerations regarding suspect arrest or interview:
 - (a) Suspects awareness of the investigation.

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

- (e) Likelihood the suspect will flee the jurisdiction.
- (f) Likelihood of evidence destruction.

- Educate Farmers/Ranchers.

[REDACTED]
[REDACTED]
[REDACTED]

- Photograph and video tape it.

[REDACTED]

- Secure all equipment, removing the keys.
- If possible, position equipment/machinery in a secure, well-lit area where it cannot be seen from the roadway.

[REDACTED]

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FUEL THEFT

Another type of crime currently plaguing county farmers is that of fuel theft. With increases in fuel prices and the unattended and largely unsecured fuel storage on local farms, it has become a widespread and readily repeated crime.

Investigation

- (a) The officer shall determine whether a crime occurred by conducting victim interviews.
 1. Document in detail how the crime occurred if specifics can be determined.
 2. Interview any witnesses or neighbors.
 3. Identify and document the type of fuel whether it is Red-Dye diesel, diesel or regular, quantity, and estimated purchase date and cost per gallon and estimated current replacement cost.
 4. View the reported crime scene and determine if any trace evidence.
 5. Determine if any additional fuel spillage. If confirmed, determine the name, type and quantity and notify OES if needed.
 6. Request technical services to respond to photograph and process potential trace evidence.
 7. If suspect is on the scene, attempt to interview and arrest or cite if applicable.
 8. Considerations regarding suspect arrest or interview:
 - (a) Suspects awareness of the investigation.
 - (e) Likelihood the suspect will flee the jurisdiction.
 - (f) Likelihood of evidence destruction.
- Educate Farmers/Ranchers.
 - The first step in preventing fuel theft is to lock your fuel tank. While a determined thief can use bolt cutters, a good strong steel padlock and chain can help prevent a theft.
 - Fuel theft can be reduced by properly locating a fuel storage tank. The further the tank is from the roadway the better. If the tank is located above ground, an ideal placement would be where the tank is visible from a shop or residence.
-

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- Keep the area around the pumps or tanks clear of equipment and other obstructions. Don't give the thieves cover.
- When tanks are needed to service isolated areas of the property, try to keep them locked and only fill them over the time they are in use, such as season or harvest time. When not in use, try to return the mobile tanks to a main storage area.
- In main storage tanks, close and lock the valves when not in use.
- Turn off power to pumps.
- Consider fencing in the area and lock all gates with good quality padlocks and chains.
- Use security lighting and if possible install a surveillance camera system.

METAL THEFT

Metal theft has become another major problem with farmers and ranchers. Fueled by skyrocketing metal prices, the theft of copper and other metals have soared over the past few years.

Metal thieves continue to steal copper wiring from farmers well pumps, aluminum pump filters, steel grape stakes, aluminum irrigation pipes, ladders and brass irrigation sprinkler heads etc. Often times during the theft of copper wire from well pumps or brass sprinkler irrigation sprinklers a large amount of property damage occurs while committing the theft.

Investigation

- (a) The officer shall determine whether a crime occurred by conducting victim interviews.
 1. Document in detail how the crime occurred if specifics can be determined.
 2. Interview any witnesses or neighbors.
 3. Identify and document the type of metal taken and property damaged if caused during the theft. Include the quantity of items, estimated size and weight of the metal, if copper wiring taken, include the estimated length and gauge, estimated current replacement cost and damage repairs.
 4. View the reported crime scene and determine if any trace evidence.
 5. Request technical services to respond to photograph and process potential trace evidence.
 6. If suspect is on the scene, attempt to interview and arrest or cite if applicable.
 7. Considerations regarding suspect arrest or interview:
 - (a) Suspects awareness of the investigation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- (e) Likelihood the suspect will flee the jurisdiction.
 - (f) Likelihood of evidence destruction.

ROADSIDE PRODUCE VENDORS

Illegal roadside produce vendors continue to be a problem in San Joaquin County. These vendors are targeted because they are selling unidentified produce with no certain quality that cannot be traced to point of origin, and because they are in direct competition with our numerous local produce producers.

These vendors have occupied an ever increasing number of intersections, often selling their produce without a valid San Joaquin County Peddler's License and ID card and are also bringing with them other associated problems such as sanitation and safety issues.

Investigation

- (a) If a deputy observes a vendor set up near the roadside, make contact and attempt to obtain the following information:
 - 1. Identify subject operating the roadside stand.
 - 2. Determine if the subject has a valid San Joaquin County Peddler's License authorizing them to sell goods from the roadside in the county jurisdiction.
 - 3. If vendor has a valid peddler's business license, they are required to also show a valid photo driver's license or ID card or peddler's photo ID card.
 - 4. Determine the hours of operation.
 - 5. If selling from a vehicle or portable stand, determine how long they have been at the same location.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- 7. If possible, photograph the subject, produce and portable stand or vehicle.
 - 8. If subjects are in violation of County Ordinance sections, issue a citation or arrest if applicable. Remember to place a right thumbprint of the vendor on the citation.
-

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9. Confiscation of the produce as evidence is discretionary. If confiscated, complete property receipt and provide appropriate copy to vendor. Cold storage for perishable produce is only available Monday-Friday, 0700-1500 hours at Human Services, 2736 Teepee Drive Suite C, Stockton Ca. Phone (209) 468-3679.
- Deputies should familiarize themselves with the following San Joaquin County Ordinances:
 - C.O. 7-1025-Peddler's License required when selling goods from the roadside in the county jurisdiction.
 - C.O. 7-1030-Identification Card- If vendor shows a valid Peddler's License, they must also show a valid driver's license, ID card or peddler's ID card.
 - C.O. 7-1033- Sales from Vehicle or Portable Stand- Vehicles are required to move at least 300 feet every 20 minutes.
 - C.O. 7-1034- Hours of Operation-vendors cannot sell before or after 0900-1900 hours.
- Educate Roadside Vendors.
- Provide information to the roadside vendors that they can apply for a valid peddler's license at the:
 - *San Joaquin County Licensing Department*
 - *500 E. Main St, Stockton Ca, 95202*
 - *Phone #(209) 468-2133*

609.2.3 HI-TECH CRIMES

- (a) Establish what type of crime has been committed and what types of evidence will be collected in conjunction with that crime.

[REDACTED]

[REDACTED]

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- (d) Technical services to photograph location where the evidence is found and how the device or devices may have been attached. (SJSO 320.5.1)
- (e) Whatever type of evidence is collected you must either have a signed consent to search, (This consent to search form must be the consent to search Electronic or Digital Form and not a general consent to search), or search warrant signed by a local judge. The consent form must be signed by the owner of the evidence or the owners parent if the owner is a juvenile.
- (f) When recording the documented report, deputies must request the specific items by evidence identification needing forensic examination in the narrative portion of the report. Deputies will also request that the report be routed to Hi-Tech Crimes Task Force and Investigations Property Sergeant for their review and notification.

[REDACTED]

[REDACTED]

- (i) Deputies/ Detectives shall complete a Sacramento Valley Hi-Tech Crimes Task Force Forensic Investigation Request form and attach a copy to the original report, along with a 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. This search warrant shall include the appropriate SB 178 language. The original will be placed in the "inbox" of the Property Division Sergeant in Investigations.
-

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- (j) When detective's conduct the service of a search warrant, that may have the expectation of computers, or other types of digital media, they can arrange for Task Force members to be present to conduct write blocked previews of the digital media. This can enable a quick determination of whether or not the computer or other devices have any evidentiary.

609.3 CASA INVESTIGATIONS

The following guidelines are contained in this section:

609.3.1 - Sexual Assault/Rape

609.3.2 - Sexual Abuse of a Child

609.3.3 - Medical Exam of Sex Assault Victims

609.3.1 SEXUAL ASSAULT/RAPE INVESTIGATIONS

This guideline is intended to assist San Joaquin County Sheriff Deputies in response to Sexual Assault calls. It is designed to assist you with the call and also reference current policy of the San Joaquin County Sheriff's Office.

Sexual Assault - Rape

- Primary Objective
 - The primary objective is protection of the victim and the safeguarding of the community.
 - Documentation
 - The victim shall be advised of their right to have their name, address and phone number kept confidential during all phases of the investigation and court proceedings. The advisement and their response shall be documented in the report.
 - The victim must be advised of their right to have a victim advocate and/or support person of their choice present during any physical/medical evidentiary examinations or interviews by law enforcement or defense attorneys. The advisement and their response shall be documented in the report.
 - Investigating officers shall provide the victim with information pertaining to the benefits afforded victim of violent crimes. Officers shall issue the department's Victims of Violent Crimes/Domestic Violence form, pursuant to Policy Section 336, and explain the program.
 - Investigation
-

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- At the conclusion of the initial response, the investigating officer should evaluate the need for additional patrol officers, detectives, technical services and advise the patrol sergeant.
- Detailed interviews of the reporting party, victim and witnesses.
- Record the interviews when possible.
- Document emotional state and physical condition of victim when first contacted.
- Establish the crimes based on type and extent of sexual contact.

[REDACTED]
[REDACTED]
[REDACTED]

- Get detailed description of the crime scene.

[REDACTED] Advise the victim of steps involved in the preliminary and follow up investigation:

- Need for in-depth interview which will contain specific/personal questions.
- [REDACTED]
- Follow up possibly including reinterview, photo line-up and the maintaining of evidence collected for prosecution.
- Need for judicial process when the offender is identified and arrested (courtroom testimony/procedures).

Evidence

- Photographs of the victim, victim injuries and the crime scene.
- Findings of sexual abuse legal/medical examinations.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- Considerations regarding suspect arrest or interview.
 - Suspects awareness of the investigation.
-

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- Danger to the victim, suspect or community and the likelihood of continued criminal activity.
- Nature of offense and potential sentences.
- Likelihood suspect will flee the jurisdiction.
- Likelihood of evidence destruction.

SART Procedure

When a Deputy determines during his/her sexual assault investigation that the incident occurred within 72 hours, he/she should contact the Duty Sergeant and brief him or her of their findings and need for an acute examination and the activation of the S.A.R.T team. There are exceptions to the 72 hours that should be discussed with the CASA Sergeant prior to activation of S.A.R.T.

The Duty Sergeant, investigating deputy or designee shall contact the CASA Sergeant and advise them of the investigation and need for the activation of the S.A.R.T team and authorization of the acute exam. If the CASA Sergeant is not available, the Watch Commander or designee shall be contacted and briefed of the investigation prior to the activation of S.A.R.T.

[REDACTED]

[REDACTED]

[REDACTED]

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Make arrangements for the victim to be transported to the appropriate facility for examination. Notify the Women's Center 465-4997 and Victim Witness 468-2500 (0800-2359 hours in the office, 0000-0800 on call). The advocates are available to meet with the victim and their family members and accompany the victim during the examination and interview process. At the conclusion of the examination arrangements for the victim to be transported home or to a safe location will be arranged.

[REDACTED]

Prior to the examination, deputies will complete the DOJ 923 form (Medical Report Suspected Sexual Assault or Child Molestation) obtaining consent. They will complete the medical questions with the victim and review with the safe S.A.F.E examiner prior to the examination.

[REDACTED] kit will

be available for pickup by the investigating deputy the next day for transportation to the San Joaquin County Sheriff's Office evidence room.

[REDACTED]

If for any reason the investigating deputy cannot pick up the S.A.R.T kit with 48 hours of the examination, the deputy shall notify the CASA Sergeant by phone, voicemail, or email so that detectives can pick up the S.A.R.T kit and submit it to the Department of Justice for processing.

[REDACTED]

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609.3.2 SEXUAL ABUSE OF A CHILD INVESTIGATIONS

Primary objective is protection of the child(ren).

Conduct an objective and unbiased investigation and protect the rights of all involved parties including the victim, the accused and any witnesses.

DOCUMENTATION

- Investigating officers shall provide the victim or victim's parent(s) with information pertaining to the benefits afforded victim of violent crimes. Officers shall issue the department's Victims of Violent Crimes/Domestic Violence form and explain the program.
- All reported child molestations or exploitations require the completion of the suspected child abuse form regardless if substantiated, inconclusive or unfounded. CASA detectives will handle suspect notification letters if appropriate.

INVESTIGATION

Initial Assessment of Suspected Child Molestation

- (a) If there is no way to determine if a child molestation has occurred with the initial witness statements and evidence the patrol officer will have to conduct a brief victim interview to confirm a crime was committed. Child Protective Services (CPS) can be advised and to check for any prior contacts with the family or open cases.
 - (b) If the patrol officer can determine there is reasonable suspicion a child molestation has occurred the investigation needs to be evaluated for the proper response.
 1. Child Protective Services and the Patrol Duty Sergeant should be notified as soon as possible. Child Protective Services should be contacted to provide assistance in the protection of the child and to confirm if they have prior contact or an open case.
 2. Any interview should be coordinated with CPS to prevent multiple interviews of the child victim. CPS should be included in the interview if possible to prevent separate interviews, but the officer is responsible for the investigation.
 3. If the molestation is acute (occurred in last 72 hours) a medical examination should be conducted immediately.
-

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
4. If the molestation took place past the 72 hour limit and there are no immediate medical care needs, the examination will be arranged by CASA detectives.
- [REDACTED] The patrol officer shall conduct a complete investigation up to and including the arrest of the suspect whenever possible [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
6. The duty sergeant may contact the CASA sergeant to request assistance on any complicated, involved or technical investigation. The CASA sergeant will determine what level of assistance to provide. After hours requests for CASA detective assistance should be made via the watch commander and the detective administrative lieutenant.

VICTIM INTERVIEW

- The victim should be assessed for:
 - need for medical care
 - danger of continued abuse/intimidation/retaliation of the child
 - whether physical environment poses to immediate threat to the child's safety
 - whether or not there is a parent/guardian willing and capable to care for child
 - prior history of abuse allegations in the family
 - (a) It is important to interview the victim child as few times as possible. The initial interview should be as brief as possible but detailed enough to confirm the crime committed and guide further investigation in regards to witnesses or evidence of the crime. Try to get down to child's level by sitting down, kneeling, etc.
-

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. Open the discussion initially with open ended questions... (i.e. "Do you know why I have come to talk to you today?")
4. If open ended questions fail to produce any information more direct questions are appropriate. Did you tell your mother about something today? Try to stay with open ended questions and allow the child to tell the story. Tell me what happened next? Avoid leading questions but follow up questions may be necessary to confirm you understand what the child is telling you such as names for body parts or identities of persons.

WITNESS INTERVIEWS

Witness interviews will be detailed including information regarding the incident, living arrangements, other potential victims, locations of possible evidence and information to help locate or identify the suspect(s). Witness interviews should be recorded when possible.

- Evidence
 - Photographs of injuries and the crime scene.
 - Findings of sexual abuse legal/medical examinations.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- Considerations regarding suspect arrest or interview.
 - Suspects awareness of the investigation.
 - Danger to the child or suspect and the likelihood of continued criminal activity.
-

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- Nature of offense and potential sentences.
- Likelihood suspect will flee the jurisdiction.
- Likelihood of evidence destruction.
- Explanation of investigation to the parents.
- Right to confidentiality.

609.3.3 MEDICAL EXAMINATION OF SEXUAL ASSAULT VICTIMS

Medical examination of victims of sexual assault/child abuse shall be handled in a manner to provide the best medical care for the victim and provide evidence to be used for apprehension and prosecution of the suspect.

[REDACTED]

ADULT VICTIMS

(a) Consent for examination

1. Obtain Consent: Explain the request for a medical-legal examination for the purpose of diagnosis and treatment of injuries, prevention of pregnancy and sexually transmitted diseases and to obtain physical evidence that may be present to assist in apprehension and prosecution of the suspect.

[REDACTED]

3. Explain that the cost of the examination will be paid for by San Joaquin County.
4. Advise right to refuse examination. A victim of sexual assault shall be informed that he or she may refuse consent to an examination for evidence of sexual assault, including collection of physical evidence. If they refuse the examination they still should seek medical attention from their own doctor, but the county will not be responsible for the costs and it will probably not be of evidentiary value.

[REDACTED]

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Never broadcast the victim's name over the radio. Advise the victim in regards to confidentiality of name, address and phone number during all phases of the investigation and court proceedings and the right have a victim advocate and/or support person of their choice present during any physical/medical evidentiary examinations or interviews by law enforcement authorities or defense attorneys. The Communications Center can contact the Women's Center to assist the victim at the hospital if requested.

1. The officer should make arrangements to use one of the private waiting rooms in the emergency room for the victim and advocate/support persons if there is a delay in an immediate examination.
2. The office should fill out as much as possible of the C and D sections of form 923 (Medical Report-Suspected Sexual Assault or Child Molestation). It is important that the attending physician be provided this information so a proper and appropriate examination may be accomplished with a minimum amount of trauma due to the re-interview process.
3. The investigating officer with assistance from the attending nurse and/or a field evidence technician should collect all the victim's clothing prior to the examination. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
4. A sexual assault kit should be obtained from medical personnel after the examination is completed [REDACTED]
[REDACTED]
[REDACTED] The kit should be kept separate from all other evidence. The officer should note in his report the date, time and person from which the kit was obtained. In addition, the officer should sign the chain of custody sheet on the face of the kit. If for any reason the investigating officer cannot pick up the kit within 48 hours of the examination, the officer shall notify the CASA sergeant by phone, voice mail or e-mail so that detectives can pick up the kit and submit it to the Department of Justice for processing.
5. If the ingestion, injection or consumption of a controlled substance or alcoholic beverages is suspected to have occurred prior to or during the commission of

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the assault, a separate sample of blood should be requested and obtained for analysis. The time between suspected drug use and the taking of a sample should be documented and include whether the victim had urinated since that time and the taking of a urine sample in regards to possible date rape drugs.

6. All evidence except the sexual assault kit and additional biological samples should be booked in the Sheriff's evidence locker system.
7. The sexual assault kit, blood and other biological samples should be placed in the refrigerator at the Sheriff's evidence room.

CHILD VICTIMS

Consent for examination

(a) Obtaining Consent

- (a) The officer should consider the age of the victim, the known allegations, and the probability of obtaining physical evidence to determine the need for a medical examination.
 - (b) When the assault/molest has occurred within last 72 hours (acute) or when the victim has obvious physical injuries from the crime (regardless when the assault/molest occurred), a medical examination shall be completed.
 - (a) In cases where a parent or legal guardian is present at the hospital, they may be asked to give consent for a medical-legal examination and may sign the appropriate areas of form 923.
 - (b) California Family Code sections 6927 and 6928 permit a minor twelve years of age or older who is alleged to be the victim of a sexual assault to give consent to a medical-legal examination. Under these sections the minor may sign the appropriate areas on form 923.
 - (c) Parental consent is not required to examine, treat, or collect evidence for suspected child abuse. Where consent is not obtained via "a" or "b" above, the child should be taken into protective custody and the officer should sign the appropriate sections of form 923. When the child is taken into protective custody, the officer becomes the child's temporary guardian.
 - (d) In addition to consent for medical treatment as outlined above, Penal Code section 11172 allows that photographs may be taken without the consent of a parent or guardian and disseminated to appropriate investigative agencies in cases of suspected child abuse.
-

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EXAMINATION

[REDACTED]

609.4 NARCOTICS INVESTIGATIONS

The following guideline is included in this section:

609.4.1 - Drug Influence Investigations

609.4.1 DRUG INFLUENCE INVESTIGATIONS

HS 11550(a) Under Influence of a Controlled Substance.

This is the proper section for persons under the influence of opiates and stimulants.

PC 647(f) Under the Influence of Drugs

This is the proper section for all other drugs to include MDMA (Ecstasy), hallucinogens (LSD, mushrooms, etc.) and marijuana. This section requires that the person be in a public place and unable to exercise care for his or her safety or the safety of others or obstructs or prevents the free use of any street, sidewalk, or other public way.

INITIAL CONTACT

Initiating officer will state probable cause that suspect is under influence of a controlled substance and place that person under arrest. This can be based on the basis of preliminary observations by a patrol deputy, witness statements, or suspect statements.

The initiating officer will request a qualified drug abuse recognition trained officer to conduct an examination.

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The initiating officer will transport the subject to the Sheriff's Office for examination and stand by to cite or book the subject upon completion of the exam. The initiating officer will record the original report and the D.A.R. deputy will record a supplement.

The examinations will normally be conducted in the Sheriff's Office H.I.T. (Heroin Impact Team) exam room in the Patrol Administration building. The examination can be conducted in the field at the discretion of the deputy conducting the examination. This can be necessary for subjects under the influence of Cocaine base (Rock, Crack) who may only show objective signs of being under the influence for approximately 20 minutes. This would require all observations to be conducted in the field and the only part conducted in the Sheriff's Office being the urine sample collection.

OFFICER SAFETY

If the subject was out of control or combative there is no reason to take off handcuffs or other restraints for the purposes of the examination. Officer Safety is highest importance. The examination can be conducted on a handcuffed subject and if the subject is totally uncooperative, technical services can be contacted to videotape the subject's behavior and symptoms for evidentiary purposes.

No firearms are allowed in the H.I.T. examination room.

DRUG ABUSE RECOGNITION EXAMINATION

Describe observations of subject prior to examination.

Sweating - comparison to temperature

Coordination - gait, standing

Behavior - disoriented, sleepy, hyperactive

Speech - rapid, slow

Complete Physical Examination Form and Log

Log the examination by completing the entry on the board in the H.I.T. room.

Complete the exam form advising the subject of Miranda and the admonitions on physical examination and furnishing urine sample. The Sheriff's Office Physical Examination forms 217 or the CNOA examination forms are both acceptable.

PERFORM PHYSICAL EXAMINATION

The Drug Abuse Recognition seven step process will be utilized for examinations.

Use the Polaroid or digital camera for photographs of any recent injection marks. Identification photographs should be taken if subject is to be cited and released.

The Department of Justice Toxicology Bureau recommends urine samples to determine the presence of drugs. The presence is a qualitative analysis and indicates only a history of use.

Analysis of Urine - Estimated Length of Stay in Hours

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Heroin/Opiates 40-72

Cocaine 24-36

Amphetamines 48-72

PCP 48-78

Marijuana 10-35 days

EVIDENCE AND PAPERWORK PROCESSING

The Physical Examination Form and any photographs should be filed with the case in records.

Any video of the subject should be booked into Sheriff's Office evidence room.

Any urine or blood samples should be booked into Sheriff's Office evidence room and placed in the evidence room refrigerator.

The urine samples will be packaged as directed by the example on the H.I.T. room cabinet door. All urine samples will include the case number and date on the bottom of the box. The completed sample will be booked into the Sheriff's Office evidence room and secured in the refrigerator. Sheriff's Office Evidence Custodians will process and mail the urine sample to the Department of Justice Bureau of Toxicology.

CONCLUSION

The deputy performing the D.A.R. examination will give his opinion on results of the examination and interview of the subject. The deputy will also state if the subject is a threat to the safety of himself or others due to being under the influence.

If the subject is found to be under the influence and is not considered a risk to themselves or the public at the conclusion of the examination, they may be released by issuing a citation for the appropriate charges.

If the subject is considered a risk to themselves or others due to their condition at the conclusion of the examination, they are to be booked into the jail for the appropriate charges. All subjects who are found to be under the influence of PCP (phencyclidine) or charged with PC 647(f) shall be booked into the jail.

[REDACTED]

FOLLOW UP - TOXICOLOGY RESULTS

The Department of Justice Bureau of Forensic Services Toxicology will mail a presumptive toxicology screening result to the Case Management Unit. The results will be routed to the D.A.R. examination officer to supplement the case. The deputy will supplement the report with the results and attach the result letter for filing in records with the case. The supplement will be routed to the District Attorney's Office in regards to the original case.

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609.5 CRIMES AGAINST PERSONS

The following guidelines are contained in this section:

609.5.1 - Homicide Investigations

609.5.2 - Robbery Investigations

609.5.1 HOMICIDE INVESTIGATIONS

- Primary Objective
 - The primary objective is preservation of life and public safety and to conduct a thorough, objective and unbiased investigation.
 - Initial Response
 - The first officer on scene shall be designated the officer in charge. The officer in charge is to immediately assess the scene security for incoming personnel, witnesses, etc.
 - Locate and evaluate the condition of the victim(s), the need for medical personnel, as well as the need for additional law enforcement personnel.
 - Apprehension or detention of suspect(s).
 - Coordinate with other arriving law enforcement personnel, designate duties and/or establish a perimeter, as needed.
 - If the victim(s) is transported for medical care, law enforcement personnel should accompany the victim(s) to that location.
 - Scene Responsibilities
 - Identify the boundaries of the crime scene and identify them with crime scene tape or other barriers if necessary.
 - Boundaries should include:
 - All items of evidence and pertinent locations where additional items of evidence may be obtained (street if drive by shooting), as well as a "comfort zone" or "cushion" to keep witnesses, etc. away from the main crime scene while the investigation is being conducted. Keep in consideration that it is easier to lessen a crime scene and virtually impossible to enlarge or widen a crime scene once it is established.
 - A secondary crime scene boundary may be established to keep press or other non-involved parties from being too close to the crime scene or witnesses while investigation is being conducted.
-

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- In order to ensure a secure scene, limit access in/out of the scene by law enforcement personnel, witnesses, victims, etc.
 - Direct or identify routes to be taken in/out of crime scene by law enforcement or medical personnel.
 - Initiate a crime scene log at ALL homicide scenes. (All persons listed on the log should supplement the documented report as to purpose and/or action taken in the scene.)
 - Identify, secure, and if necessary, mark items of evidence observed at the scene.
 - Document any removal or movement of witnesses, victims, evidence or other items relative to the crime scene.
 - Homicide scene should be completely secured, with no movement of personnel in/out once medical personnel have either removed the victim or pronounced death at the scene, until detectives arrive.
- Investigation
 - At the conclusion of the initial response, the investigating officer should evaluate the need for additional patrol officers, detectives, technical services, victim/witness advocate and advise the patrol sergeant.
 - Detailed interviews of the reporting party, victim(s) and witness(es).
 - Record the interviews when possible.
 - Obtain name and contact information for all persons on scene, whether statements taken or not.
 - Document emotional state and physical condition of victim(s), witness(es), etc. when first contacted (Be sure to note if unresponsive, unconscious, etc.).
 - If unknown, attempt to identify the victim through statements or other means. (DO NOT attempt to locate evidence or identifying information on or about the victim if HOMICIDE is suspected.)
 - Establish the crimes based on type and/or extent of assault.
 -
 - Get detailed description of the crime scene (boundaries, one or more locations, etc.).
-

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[REDACTED]

[REDACTED]

- Get detailed description of the injuries.

[REDACTED]

- Get a dying declaration from the victim, if warranted. (Example in Canlis Code Book)
- Advise the victim(s) of steps involved in the preliminary and follow up investigation:
 - Need for in-depth interview.
 - Possibility of contact by other investigators with regard to the investigation.
 - Follow up possibly including re-interview, photo line-up and request for medical release.
 - Need for judicial process when the offender is identified and arrested (courtroom testimony/procedures).

- Documentation

- Investigating officers shall provide the victim, victim's parent(s) or legal guardian(s), with information pertaining to the benefits afforded a victim of violent crimes. Officers shall issue the department's Victims of Violent Crimes/Domestic Violence Form, pursuant to Policy Section 336, and explain the program.
- It may be necessary to obtain Emergency Protective Orders, Search Warrants, etc. based on the details of the investigation.

- Evidence

- Photographs of the victim(s), injuries and the crime scene.
- Photographs of all items of evidence, in place, before collection or removal.

[REDACTED]

[REDACTED]

- Documentation, collection and/or photographs of items described by victim that can confirm or deny allegations.

[REDACTED]

[REDACTED]

[REDACTED]

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- Considerations regarding suspect(s) arrest or interview
- Suspect(s) awareness of the investigation.
- Danger to the victim(s), suspect(s) or community and the likelihood of continued criminal activity.
- Nature of offense and potential consequences.
- Likelihood suspect(s) will flee the jurisdiction.
- Likelihood of evidence destruction.

[illegible]

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- The officer in charge shall complete a documented report regarding the robbery.
 - If there is an actual "robbery in progress", with suspect(s) still on scene, a Sergeant will respond and take charge of the scene and coordinate the investigation if time permits. Otherwise, the officer in charge shall take appropriate actions to ensure public safety and apprehend the suspect(s). Determine at some point if an HNT (Hostage Negotiator) is on duty in the event a hostage or barricaded suspect(s) situation created upon your response.
 - Investigation
 - At the conclusion of the initial response, the investigating officer should evaluate the need for additional patrol officers, detectives, technical services, victim/witness advocate and advise the patrol sergeant.
 - Conduct detailed interviews of the reporting part, victim(s), witness(es).
 - Obtain name(s) and contact information for all persons on scene, whether statements are taken or not.
 - Establish the crimes based on the details obtained from involved parties.
 - Identify all persons and/or sources of information (receipts, video, etc.) that can support information received from involved parties.
 - Obtain detailed description of the crime scene.
 - Advise the victim of the potential need for additional law enforcement contact, as well as the possibility of participation in the judicial process.
 - Documentation
 - Investigating officer(s) shall provide the victim with information pertaining to the benefits afforded to a victim of violent crime. Officers shall issue the department's Victims of Violent Crimes/Domestic Violence Form, pursuant to Policy Section 336, and explain the program.
 - Evidence
 - Photographs of the crime scene.
 - Photographs of the victim(s) and injuries, if reported.
 - Photographs of all items of evidence, in place, before collection or removal.
-

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- Considerations regarding suspect(s) arrest or interview
- Suspect awareness of investigation.
- Likelihood suspect will flee.
- Possible evidence destruction.

609.6 CORONER'S INVESTIGATIONS

The following investigative guidelines are contained in this section:

609.6.1 - Coroner's Investigations.

609.6.1 CORONER'S INVESTIGATIONS

By law the Coroner is directed to administer and direct investigation of death which occur under questionable circumstances.

Forensic Pathologists may respond to the scene of a Coroner's Investigations in conjunction with the Coroner's Investigator who is conducting the investigation.

The California Health and Safety Code (Section 10250) and the Government Code (Section 27491) set forth the legal requirements for reporting deaths to the Coroner. Section 10250 of the Health and Safety Code states a physician, funeral director, or any other person shall immediately notify the Coroner when he or she has knowledge of a death which occurred, or has charge of a body in which death occurred:

- (a) without medical attendance,
 - (b) during the continued absence of the attending physician,
 - (c) where the attending physician is unable to state the cause of death,
 - (d) where suicide is suspected,
 - (e) following an injury or an accident, or
 - (f) under such circumstances as to afford a reasonable ground to suspect the death was caused by the criminal act of another.
-

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Section 27491 of the Government Code, as amended by the 1961 session of the State Legislature, directs the coroner to inquire into and determine the circumstances, manner, and cause of the following deaths which are immediately reportable.

- (a) All violent, sudden or unusual deaths.
- (b) No physician in attendance.
- (c) Wherein the deceased had not been attended by a physician in the twenty days before death.
- (d) Related to or following known or suspected self-induced or criminal abortion.
- (e) Known or suspected homicide.
- (f) Known or suspected suicide.
- (g) Accidental poisoning (food chemical, drug, therapeutic agents).
- (h) Known or suspected as resulting in whole or in part from or related to accident or injury either old or recent.
- (i) Deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, or aspiration.
- (j) Death associated with a known or alleged rape or crime against nature.
- (k) Deaths in prison or while under sentence.
- (l) Deaths known or suspected as due to contagious diseases and constituting a public hazard.
- (m) Deaths from occupational disease or occupational hazards.
- (n) All deaths of unidentified persons.
- (o) Where the suspected cause of death is Sudden Infant Death Syndrome.
- (p) Deaths of patients in State mental hospitals serving the mentally disabled and operated by the State Department of Mental Health.
- (q) Deaths of patients in State hospitals serving the developmentally disabled and operated by the State Department of Developmentally Services.
- (r) Deaths under such circumstances as to afford a reasonable ground to suspect the death was caused by the criminal acts of another.

Coroner cases are considered high priority and should be recorded and uploaded as soon as possible after the investigation. Like other documented reports, they will be dictated on the issued

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Dictaphone and then uploaded and typed by clerical staff. The case is then entered into the Coroner's system by a typist.

PROCEDURE

- (a) Coroner cases will be uploaded under work type 11.
- (b) Coroner supplements under type 11a.
- (c) A standardized format will be followed to ensure accuracy and ease of data input for the typists.
- (d) The data must be accurate, as this information is used for research and statistical information.

DICTATING A CORONER CASE

- (a) TELL THE TYPIST THIS IS A CORONOR'S CASE AND THE DECEDENT'S NAME.
 - (b) BEGIN THE DATA INPUT BY SAYING: "TYPIST GO TO THE GENERAL INFORMATION TAB."
 - 1. Reported date and time
 - 2. Property collected yes/no
 - 3. Who reported death: Agency/Name/Phone number
 - 4. Deputy assigned
 - 5. CAD Event number
 - 6. Place of death: Residence/hospital/parking lot/etc. If hospital include name and if whether decedent was inpatient or Emergency Room patient.
 - 7. Address/City/State/Zip: intersection or exact distance from landmark (i.e. 1/4 east of Bacon Island Bridge on Highway 4, Stockton CA 95206)
 - 8. Inside city limits: Yes/No
 - 9. Manner: Is always **PENDING INVESTIGATION**
 - 10. John/Jane Doe: Yes/No.
 - (a) If John DOE skip decedent info section and go straight to John Doe tab
 - (c) DECEDENT INFORMATION. This section is for identifying information about the decedent.
 - 1. Last, First, Middle
 - 2. Military service: Yes/No. What branch
 - 3. Home address/Zip/City/State
-

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4. Phone number
 5. Social Security: only note the number, the card STAYS with family to use when making funeral arrangements.
 6. Driver's license: State/Number
 7. Occupation and employer. Type of job (i.e. Cashier, teacher, truck driver), employer and type of business (i.e. retail, education, transportation.)
 8. Homeless: Yes/No
 9. Citizen: Yes/No
 10. Identified by: Who identified the deceased? Name/Relationship
 11. Identification method: visually/driver's license/finger prints/medical records/etc.
 12. Gender: Male/Female
 13. Ethnicity: Hispanic Y/N
 14. Marital status: Married/Divorced/Widowed/Never Married
 15. Race: Primary race, or up to three if not known.
 16. Additional AKAs
 17. Date and time of death:
 - (a) Pronounced time: by physician, paramedics, EMS personnel, exact date/time.
 - (b) Found time: unknown down time, sometimes decompose body with obvious signs of death.
 18. Date of birth
- (d) JOHN/JANE DOE
1. Age: high/low estimates
 2. Gender: Male/Female
 3. Height: High/low estimates
 4. Weight:
 5. Eye color
 6. Glasses
 7. Hair color
 8. Hair length
 9. Hair type: curly/straight
 10. Facial hair: beard/goatee/mustache/sideburns/clean shaven
 11. Complexion: Light/dark
 12. Physical features: scars, marks, tattoos, birth marks, deformities
-

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(e) INJURY INFORMATION

1. Where injured: this is a physical location, not where on the body
2. Type of location
3. Address/zip/city/county/state
4. Date and time of injury
5. Known date and time
 - (a) Estimated time: yes/no
 - (b) Found date and time
6. How injury occurred:
 - (a) Self-inflicted gunshot wound, hanging
 - (b) Auto accident: auto vs auto, auto rollover, motorcycle vs fixed object etc.
 - (c) Homicide: stab wound to chest, gunshot wound to head, etc.
 - (d) Possible overdose: methamphetamine/pharmaceutical etc. (include only if known)
 - (e) Falls: fall from height, fall from bed, fall to ground etc.
7. Investigating agency
 - (a) Name of agency
 - (b) Report number
 - (c) Investigating officer
8. Injured at work
 - (a) Yes/no
 - (b) If yes, who reported it to OSHA
 - (c) Date reported

(f) IF AUTOMOBILE ACCIDENT: Tell typist to go to CHP tab.

1. Vehicle description: red 2004 4-door Toyota Corolla
 2. License plate number
 3. State
 4. Occupancy: how many people in the vehicle at the time
 5. Seat position: driver, passenger, motorcycle, pedestrian, bicyclist.
 6. Second vehicle description: black 2001 4-door Ford
 7. License plate number
 8. State
 9. Occupancy
-

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- (a) If multiple vehicles involved, please make sure to list Vehicle description and license plate number for EACH vehicle.
 - 10. Other pertinent information that can be listed here:
 - (a) Seat belt worn: yes/no
 - (b) Air bag deployed
 - (c) Lighting conditions
 - (d) Road conditions
 - (e) Weather conditions
 - (f) Direction of travel
 - (g) Towing information if known/towed by our office
 - (h) Name of the person towing
 - 1. Towing firm (company name)
 - 2. Date
 - 3. Phone
 - 4. Address/zip/city/state
 - (g) CONTACT/NEXT OF KIN INFORMATION: This is like the witness section on a criminal report and should include all persons listed in the report. (i.e. EMS staff, police officers, family, doctors, witnesses)
 - 1. Name: First/last/middle
 - 2. Phone: Home/work/cell/international. Contact number to contact during business hours.
 - 3. Address/zip code/city/state/county/country - for agency personnel it is OK to list the agency name only.
 - 4. Relationship: who is this person in relation to the decedent? Parent/spouse/sibling/doctor/police officer/boyfriend/ex/etc.
 - 5. Next of kin: yes or no
 - 6. Social: if known
 - 7. Employer: important for physicians or law enforcement agency, or where a business is involved.
 - 8. Driver's license number and state, if known
 - 9. Gender
 - 10. Date of birth
 - 11. Race
 - 12. Notification: If this person is next of kin
 - (a) Date and time
-

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- (b) Notified by: your name or name of person who notified next of kin
 - (c) Notification method: phone/in person/hospital staff/not notified
 - (h) PROPERTY TAB: The following information should be entered for each item, which will generate a receipt that becomes part of the file. Inventory accurately and include all "items of value." This will protect all of us from civil liability and will assist families dealing with their grief. (Items of no value need not be brought in.) *Only release property in the following order: spouse, adult child, parent, sibling, etc.
 - 1. Collection: This only needs to be dictated once as it saves in the CME field.
 - (a) Your name
 - (b) Date and time
 - 2. Type of property/evidence: clothes/credit card/currency/personal/jewelry
 - (a) Firearms need to be listed but booked at evidence room and a separate DR done.
 - 3. Description: black shoes/Bank of America card/\$50/brown wallet/yellow metal ring
 - 4. From where/whom: decedent/residence/hospital/nursing home
 - 5. Location stored: Coroner's Locker/Evidence/Decedent/Drying room
 - 6. Reason kept: Safe keeping
 - 7. Additional Comments: This section can be used for more details about item such as firearms such as the DR number it is stored under: or special information about items; left on decedent due to family request.
 - (i) MEDICATION INFORMATION: List any and all medications the decedent was taking and bring into the coroner's office for destruction. Medication is never to be left with family. If this is a suspected overdose it is important to collect ALL medications, even empty containers.
 - 1. Collection information: This only needs to be dictated once as it saves in the CME field.
 - 2. By: your name
 - 3. Date and time
 - 4. Medication name: phonetically spell each name
 - 5. Dosage: 3mg
 - 6. Quantity Prescribed
 - 7. Quantity Remaining
 - 8. Prescription number
 - 9. Date of prescription
-

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10. Regimen: How often (i.e. twice a day, once a day, every 6 hours, as needed, at bed time, etc.)
 11. Where found: Residence/Hospital/Car/etc.
 12. Doctor prescribing
 13. Phone (if available)
 14. Pharmacy Name (i.e. Walmart, Walgreens, CVS, Kaiser)
 15. Pharmacy phone
- (j) **COMMENTS:** This section is available for a confidential comments and a brief statement not for public viewing. It does not print out with the report; and should not be a repeat of the narrative. Also use for any information that should be passed on to the Coroner's Investigators.
1. Family comments: If family is feuding regarding who handles what, include names of involved parties.
 2. Other issues during the investigation
 3. Doctor issues: doctor refused to sign for the death certificate because wanted coroner to do an autopsy, etc.
 4. Coroner's seal on residence/animals left at home
 5. Coroner's Questionnaires
- (k) **NARRATIVE TAB:** This section is broken up into two parts, the Synopsis and the Narrative. Both should tell a story or paint a picture telling the reader what happened. **DO NOT** read directly from the hospital reports or prehospital care reports, summarize the information and document in your own words.
1. Synopsis: This is just like a synopsis of a documented report. It should be a SHORT description of the death and circumstances, and follow this format:
 - (a) Date and time recorded: "XX/XX/XX at XXX hours."
 - (b) First paragraph: On (date) at (time) I, Deputy (name), responded to (location) to conduct an investigation into the death of (decedent's full name) who was positively identified by (means of identification). *If John/ Jane DOE, give description of deceased.
 - (c) Second paragraph: "The preliminary investigation shows that the decedent" here you describe a brief summary of the circumstances of the event. (i.e. was found down by family at his residence/fell while walking to the bathroom/was shot by unknown suspects.) Medics arrived on scene and pronounced the decedent at XXXX hours. Or, Stockton Police Department is investigating this as a natural death under their case number XX-XXXX.
 - (d) Third paragraph: "The decedent had a medical history of" (i.e. diabetes, COPD, heart surgery, alcoholism) per family. If there is
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no known medical history state there is no known medical history for the decedent.

- (e) Last paragraph should read verbatim: "The remains were removed to the Forensic Pathology Facility where a post mortem examination was performed to determine the exact cause of death; report on file this office."

2. Narrative: The narrative will consist of a 6 paragraph format. Do not deviate from this format as it allows for consistent, uniform and accurate reporting. Each title is usually one paragraph. When recording speak in complete sentences, include punctuation and spell out any medical terms or medications. ALWAYS refer to the decedent as "THE DECEDENT" not by name, except in the synopsis.

- (a) External Viewing: start at the head and work your way to the feet. Include detailed description of injuries, marks, scars, tattoos, clothing and medical equipment in place. Start with "I first viewed the decedent"
- (b) Prehospital medical intervention: Medical treatment given by emergency responders in the field. Include times of response, details of medical intervention and actions taken at the scene. Where and in what position was the decedent when found. Submit copy of this report with the case. Start with "According to the prehospital care report."
- (c) Hospital care and treatment: include what happened during hospital stay or what treatment was provided (blood transfusions, surgical procedures, what was found or repaired in surgery.) At minimum get copies of admission records, history and physical reports, x-ray reports, CT reports, laboratory reports and discharge summary. Start with "According to hospital records."
- (d) Investigation: If another agency is investigating the death include officer name, agency and their report number. Include circumstances surrounding the event, details of the traffic accident, homicide or suicide. Cover the what, when, who, where, and how. Start with "According to."
- (e) Notification of the next of kin: This must be made in a timely fashion and due diligence exercised in trying to locate them. The effort taken in searching for and or locating the next of kin must be documented in the report, whether successful or not. Start with "Official notification was made to."
- (f) Other pertinent information: Mention if x-rays were taken and where they went, if the body bag was locked and lock #, if it was escorted to the morgue; if a SIDS packet was included; if the residence was sealed and why.

- (l) CORONER'S QUESTIONNAIRES: The following are used for specific coroner's cases and can be found in the back of the Coroner's Data Entry Form. Complete these questions at the end of your coroner's case by telling the typist to go to the comments section.

1. Vehicle Accident Questionnaire:

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- (a) Type of vehicle
 - (b) Point of impact
 - (c) Seat belts worn: Yes/No
 - (d) Air bags deployed: Yes/No
 - (e) Speed of vehicle
 - (f) What were the weather conditions
 - (g) Position of the decedent in the vehicle
 - 2. Train vs. Pedestrian Questionnaire:
 - (a) Train direction
 - (b) Train speed
 - (c) Total number of cars
 - (d) Total train tonnage
 - (e) Where train last departed
 - (f) Train destination
 - (g) Personnel on train
 - 1. Train conductor
 - 2. Brakeman
 - 3. Engineer
 - (h) Did horn sound: Yes/No
 - (i) Were the train exterior lights on: Yes/NO
 - (j) What was the train's stopping point in relation to the point of death
 - 3. Heat Related Death Questionnaire:
 - (a) First/Last Name
 - (b) Date of birth
 - (c) City of residence
 - (d) Date of death
 - (e) Was he/she living alone: Yes/No/Unknown
 - (f) Did he/she having air conditioning: Yes/No/Unknown
 - (g) If yes, does the air conditioning work: Yes/No/Unknown
 - (h) Was the air conditioning air on: Yes/No/Unknown
 - (i) What was the temperature in the residence: °F
 - (j) Type of residence: Home/apartment/assisted living facility-nursing home/homeless/single resident occupancy/other
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- (k) Did you find any medications that belonged to the deceased individual: Yes/No/Unknown - if yes, names of medications
- (l) Did he/she have a known history of mental illness: Yes/No/Unknown - if yes, what evidence did you use to conclude this?

609.7 GENERAL INVESTIGATIONS

This section consists of the following guidelines:

609.7.1 - Releases in Error/Escapes from Custody

609.7.1 RELEASES IN ERROR/ESCAPES FROM CUSTODY

"RELEASE-IN-ERROR" PROCEDURES

An inmate is released from custody inappropriately, without proper justification to satisfy release requirements.

Examples:

- (a) Officer error such as overriding the release
- (b) Clerical error such as a failure to add a hold in a timely manner; a failure to thoroughly review all documentation; a failure to enter a violation of probation, and a failure to recheck the outdate calculation.
- (c) A failure to identify a court clerical error in the court's documentation or minute order
- (d) A failure to properly identify the inmate before the release

If the subject released attempted, in good faith, to satisfy release requirements, e.g. - surety bond/cash bail posted, signed Promise to Appear, etc., then it is the responsibility of the facility supervisor (with immediate oversight over the area liable for the error) to notify the chain-of-command to determine the appropriate action needed to return the inmate to custody.

If the release is attributed to a court error, the court of jurisdiction shall immediately be notified by the supervisor finding the error, to ascertain what action will be taken.

Notification shall include:

- (a) Notification via chain-of-command of the inappropriate release. This information shall include:
 - 1. Inmate name, D.O.B., charges pending/holds, sentenced out-date if applicable, date & time of release, circumstances surrounding the error, the CJIS incident assigned and Patrol DR number. (if it has already been issued) and the steps currently initiated to address the error.
-

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A decision for the follow up shall be requested. Release in error procedures will not be implemented until a consultation and decision is made by the facility Lieutenant or designated Lieutenant in charge, of the appropriate action to be taken.

If a release in error is confirmed by the facility Lieutenant, the following procedures shall be implemented:

- (a) Request Patrol response via Dispatch to initiate a documented report under Principal Code Section 584 Persons-Criminal (Other)
 - (b) Prepare Release in Error packets that shall contain the following:
 - (a) CJIS screen prints of each screen in inmate record display i.e., front screen, all supplemental bookings, sentence calculations, movements.
 - (b) CJIS court display if pertinent.
 - (c) CUSINS booking photograph
 - (d) Three copies shall be made and distributed accordingly - Patrol, Custody Administration, and Inmate Records.
 - (c) Request Custodial Sergeant open a CJIS incident type "RLER" documenting pertinent facts of release in error.
 - (d) Upon Patrol arrival, provide a release in error packet to the officer along with a copy of the incident report document (if available) or statement of circumstances and details surrounding the release in error.
 - (e) Patrol will request a documented report number for 584 Persons-Criminal and give this number to the reporting party. The DR number will be entered into the CJIS incident for cross referencing and the CJIS incident will be closed.
 - (f) Patrol will attempt to notify the released inmate, and request his/her voluntary return to custody.
 - (g) Patrol will request a temporary warrant entry for the original charge(s) that the inmate was booked and "released-in-error" on, be entered into the CLETS WPS System.
 - (h) The court having jurisdiction over the pending action(s) will be notified by the court liaison officer of the "release in error". An arrest warrant will be requested and issued according to 813 PC (a), (e) (1) thru (6) for the charge(s) that the subject was released on.
-

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- (a) If the "release in error" is discovered when the court is closed, with the approval of the facility lieutenant who has jurisdictional investigative oversight, a request for an arrest warrant will be made to the on-call judge based upon the applicable elements listed in 813(e), (1) thru (6) PC. The warrant will reflect the charges that the subject was originally booked on.
- (i) If the subject voluntarily returns to custody, the original CJIS booking that the inmate was released under should be re-opened, using the CJIS "IMNRTURN" function.
- (j) An additional CJIS incident entry (indicating the inmate's return) will be made with reference to the original incident number in the remarks.
- (k) Once the inmate has been returned to custody, Records staff shall ensure all pending sentences and added charges are reinstated according to procedure.

NO THREAT TO PUBLIC SAFETY:

If it is determined that there is no threat to public safety involved in the erroneous release of the inmate from custody, then a warrant will be requested from the court (having jurisdiction) during regular business hours through the Court Liaison Officer with the approval of the facility Lieutenant who has jurisdictional oversight or Custody Captain.

THREAT TO PUBLIC SAFETY:

If there is an immediate threat to public safety (due to the seriousness of the inmate's offenses) over the "release-in-error" after regular court business hours, holidays and weekends, the "on-call judge" will be notified and a temporary warrant for the original booking charges will be requested pursuant to 813(a), or, if applicable, (e) (1) thru (6) PC. The format for the verbal warrant is attached in Addendum I.



Whether the inmate is captured or voluntarily returns to custody, he/she will be booked on the warrant or temporary warrant that was issued by the court or "on-call" judge indicating the inmate's original charges.

ESCAPE PROCEDURES

Custody Responsibility:

- When an escape from a custodial facility is confirmed through a facility count, the facility supervisor will be notified. In turn, a command page will be sent to the Sheriff's Administration for the purpose of notifying Administrative Command staff of
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the escape. The facility supervisor will contact the Dispatch Center and request an officer to document and investigate the circumstances surrounding the escape.

- Custodial staff will generate an "ESCA" incident type for appropriate reporting purposes and provide copies of CJIS and CUSINS printouts to the investigating officer. The printouts should include the following: court case numbers, court commitment numbers and sentencing information.

The DISPLAY BOOKING DETAIL in CJIS will provide the following information: (See Addendum IV for an example screen)

- (a) Crime Case Number
- (b) Court Case Number/Warrant Number
- (c) Arresting Agency
- (d) Charges
- (e) Sentence
- (f) Schedule Release Date

Within each DISPLAY BOOKING DETAIL screen are release date calculations. These are requested by the District Attorney and can be obtained for the each court sentence(s) on each set of charges. This information is also used by the courts to re-enter warrants or initial charges into the system. When the escapee is apprehended, the court will add the previous commitment or charges to the current court file for disposition.

Patrol Responsibility:

- When the Dispatch Center is notified of an escape, an officer(s) will be dispatched for an investigation and documentation report. The Dispatch supervisor will confirm that a command page was sent by the facility supervisor or send the page at that time by either the Watch Commander or Dispatch at the request of the Watch Commander.
 - Upon arriving at the custody facility where the escape occurred, the officer will collect the "Escape Packet" from the facility Sergeant or person designated to fill it out. The patrol officer (assigned to the report) will fill out an Inmate Escape Worksheet utilizing the information received from the Custody facility representative and the "Escape Packet". The information obtained through the "Escape Packet" and Inmate Escape Worksheet will be entered into the narrative of the escape report. The Inmate Escape
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Worksheet and "Escape Packet" will ultimately be placed in a red envelope to be filed with the report as part of the recording.

- The investigating officer will notify Control 5 for a CLETS entry, and Dispatch for a "Be-On-The-Lookout" broadcast, and produce and send a TRAX flyer. The charges and "threat to public safety" will be included in the countywide broadcast. The CLETS message will also include a temporary authorization for the arrest of the escapee.
- The appropriate charge(s) will be requested in the summary and conclusion of the narrative portion documented report. The report will be submitted to the District Attorney's Office for a warrant. Meanwhile, a temporary warrant will be entered in the system by records.
- Listed below are escape charges applicable to the circumstances of the escape and to the facility where the escape occurred:
 - 4532 PC - Escape from Jail/Detention Facility (Felony)
 - 4532(a) PC - Escapee was initially arrested, booked, charged, or convicted or a misdemeanor (Felony)
 - 4532(a)/Force PC - Escape or attempt to escape was by force or violence (Felony)
 - 4532(b) PC - Escapee was initially arrested, booked, charged, convicted of a felony or committed by Juvenile Court (Felony)
 - 4532(b)/Force PC - Escape or attempt to escape was by force or violence (Felony)
 - 4532(b)(1) PC - Escape while Felony charges are pending (Felony)
 - 4532 (d) PC - Escapee failed to return to the facility while on a court release [Misdemeanor under section (a)(1) and a Felony under (b)(1)].
 - 4011.7 PC - An escape occurs when the guard is removed from a hospitalized prisoner. If the escape or attempted escape is not by force or violence it is a Misdemeanor. If it is by force or violence, it is a Felony.

Honor Farm/Hospital Escapes of Level I Inmates:

- These escapes are also known as "Removal of Guard from Hospital Prisoner Escapes". Leaving or attempting to leave before, during, or after medical surgical treatment from a medical facility is considered an escape or attempted escape after being transported and left at that medical facility for hospital or medical care by a transportation officer.
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- The Level I inmate signs a "Penal Code 4011.7: Removal of Guard from Hospitalized Prisoner: Escape" form and is left at the hospital with the understanding and written promise that upon completion of the treatment and release by hospital personnel, custody transportation will be called to pick up the inmate and return the inmate to the facility. Failure to remain at the medical facility constitutes an escape. The above procedures will apply in documenting and investigating the escape.

RECAPTURE PROCEDURE:

When an escapee is arrested on our temporary escape warrant or an escape warrant issued by the court, that escapee will be booked under the original escape documented report number and supplement that report.

If, when booked, there are other open charges as well, the officer will need to obtain another documented report number for the open charges. The booking will require a separate Warrant Worksheet for the "open or fresh" charges.

If there are open charges and other warrants (outside agencies or San Joaquin County) the officer will need two (2) additional documented report numbers, e.g., one for the open charges and another for the warrants, and separate Warrant Worksheet submitted under each DR number.

If our escapee is arrested on our escape warrant and booked at the county jail by another agency, custody records personnel must notify Dispatch to have that outside agency officer respond to custody records and submit an INMATE BOOKING STATUS CHANGE form (also called an ADD/DROP CHARGE slip) for that booking. The INMATE BOOKING STATUS CHANGE REQUEST form or otherwise known as an ADD/DROP slip will drop the warrant and escape charge under that agency's booking and the inmate will be rebooked under our original escape documented report number by our patrol officer handling the supplement. Custody records will then incorporate and transfer any information into the new booking. This form will be placed in a red envelope and the recording will be done as a priority arrest.

Should the escapee be booked prior to a warrant being issued, the arresting officer shall complete a supplemental recorded report to the original and a "fresh" escape charge (see above) will be placed on the Booking Arrest Report.

The officer supplementing the original escape report will attempt to interrogate the escapee, supplement the report, and close the investigation unless it is determined that the escapee was arrested by someone else and the investigation is incomplete. The inmate will be Mirandized prior to any questioning regarding the escape.

If the arrest is made by an "outside" agency, the arresting officer needs to be interviewed regarding the circumstances surrounding the arrest. The officer will include the outside agency's report number and statement in his report. If that agency's officer is no longer available, the patrol officer will contact that agency's communication center to obtain the necessary information needed by the District Attorney's office. This will also be recorded as a priority arrest and any documentation,

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i.e., a copy of the INMATE BOOKING STATUS CHANGE REQUEST form, will be placed in a red envelope for the typists.

PETERSON HALL ESCAPE REPORTS:

Peterson Hall staff will contact our dispatch center to report an escape. Our office will dispatch an officer to take the report.

The officer will interview all Peterson Hall staff involved or working that unit. The investigating officer will also attempt to read (if completed) any incident reports generated by Peterson Hall staff regarding the escape. A BOL will be aired to all applicable agencies. If possible, a TRAX flyer will be prepared with the escapee's picture and distributed.

If the escape has just occurred, every effort will be made to assist the Juvenile Probation On-Duty Officer and staff in securing the area that the escapee was last seen and to search and clear that area.

These investigations will be handled as a priority and any addresses available from Peterson Hall records will be utilized to check for the escapee. The report will be recorded as a priority and any documentation placed in a red envelope.

The investigating officer will utilize the Sheriff's Office INMATE ESCAPE WORKSHEET outline to obtain all pertinent information needed from Peterson Hall staff for the escape report.

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the San Joaquin County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The San Joaquin County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the San Joaquin County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

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Brady Material Disclosure

612.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the deputy's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

612.5 INVESTIGATING BRADY ISSUES

If the department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

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 are made by completing a memo to the immediate supervisor of the employee requesting reimbursement. The employee shall include the value of the damaged property, provide any receipts possessed, estimates of the replacement cost, and information on age and condition of damaged property. The employee's supervisor may require a separate documented report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Captain, which shall include the results of his/her investigation and whether the employee followed proper procedures. The

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supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

The Division Captain recommends whether or not reimbursement will be made and in what amount.

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.

This procedure will be done in compliance with the County Administrative Manual, Section 2579.

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

Sheriff's Office personnel 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 documented report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.
- (c) The supervisor will ensure property owners will be notified of the damage and the procedure for seeking reimbursement for their loss.
- (d) Pursuant to Section 907 of the County Administrative Manual, claims are to be filed with the Clerk of the Board of Supervisors.

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 documented report before going off duty or as otherwise directed by the supervisor.

These reports, accompanied by the supervisor's report, shall promptly be forwarded to the appropriate Division Captain for review.

Facility Modification Request

701.1 POLICY

All requests for modification to the new Sheriff's Office complex must first have a "Facility Modification Request Form" completely filled out.

701.2 PROCEDURE

The completed form will go to the Captain of the division generating the request form for approval and recommendation based upon the following considerations:

- (a) Does the modification affect the original design concept?
- (b) Does Plant Engineering have the ability to complete the work?
- (c) Are there funds available for the modification?
- (d) Does the modification affect any outstanding warranties?

The Captain of the originating division will then make a recommendation, and the request will then be sent to the Assistant Sheriff of Custody for final approval.

If the Assistant Sheriff of Custody approves the request, it will be sent back to the Captain of the originating division who will arrange for Plant Engineering or Capital Projects to do the requested work.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of department-issued mobile phones and personal communication devices, and the on-duty use of such devices personally-owned by personnel.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all Personal Communication Devices (PCD) as such, but is intended to include all mobile phones, Personal Digital Assistants (PDA), and other such wireless two-way communication and/or portable Internet access devices.

702.1.1 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service.

702.2 POLICY

Depending on an employee's assignment and needs of the position, the department may, at its discretion, issue a PCD. Such devices shall remain the sole property of the department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own PCD while on duty subject to the following conditions:

- (a) Carrying an individually-owned personal communication device is optional.
- (b) The device shall be purchased, used and maintained at the employee's expense.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the department or personally-owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

- (a) PCDs shall not be carried in a manner that allows them to be generally visible while in uniform.
 - (b) PCD's may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family
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of extended hours). While employee's may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.

- (c) Extended or frequent use of department-issued PCDs or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the department for any charges incurred as a result of personal use.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Sheriff's personnel operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call.

Except in the case of an emergency employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking (Vehicle Code 23123 (a)). Such use should be restricted to business related calls or calls of an urgent nature.

702.2.4 OFFICIAL USE

The use of personal communication devices may be appropriate the following situations:

- (a) Barricaded suspects.
 - (b) Hostage situations
 - (c) Mobile Command Post.
 - (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
 - (e) Major political/community events.
 - (f) Investigative stakeouts where regular phone usage is not practical.
 - (g) Emergency contact with outside agency or outside agency field unit equipped with PCDs.
 - (h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.
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Vehicle Maintenance

704.1 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.

704.2 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.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective glove
- 1 Hazardous Materials Emergency Response Handbook

704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 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
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- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- Excluding those assigned to a task force

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location or in exigent circumstances with the use of a County Gas Card. It is incumbent upon each deputy to refuel their vehicle prior to the start of their shift.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before operation. Civilian employees shall also prominently display the "out of service" placards or light bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor, the rank of Sergeant or above. Civilian supervisors are not to authorize the use of emergency equipment.

Vehicle Use

706.1 PURPOSE & SCOPE

The department utilizes County owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure County owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "County owned" as used in this section also refers to any vehicle leased or rented by the County.

706.2 USE OF VEHICLES

706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled patrol duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify the Communications Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Watch Commander shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

706.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Watch Commander of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Property Bureau personnel assigned transportation duties to and from the maintenance yard, etc. Property Bureau personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

706.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

706.2.4 AUTHORIZED PASSENGERS

Personnel operating department owned vehicles shall not permit persons other than County employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle. Refer to Policy Section 410, Ride-alongs.

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706.2.5 PARKING

County owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a County owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

Employees are responsible for any citations or parking fees incurred. Reimbursement may be sought by filing a County Reimbursement Claim Form for expenditures other than fines.

706.3 ASSIGNED VEHICLE USAGE

County owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes.

The vehicle shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist. The employee is responsible for the vehicle's care and maintenance. The Department will provide necessary care/maintenance supplies, staff and facilities.

The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

706.3.1 VEHICLES SUBJECT TO INSPECTION

All County owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 SECURITY

Employees may take home County owned vehicles only with prior approval from their Division Commander and shall meet the following criteria:

- (a) Off-street parking shall be available at the employee's residence.
- (b) Vehicles shall be locked when not attended.
- (c) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to Firearms policy § 312 regarding safe storage of firearms at home).

When an employee is on vacation, leave, or out of the area in excess of two weeks, the vehicle shall be stored at the sheriff's facility.

706.4.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

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706.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the San Joaquin County Sheriff's Office, a deputy shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Deputies driving marked vehicles shall be armed at all times.

Deputies may render public assistance, e.g. to a stranded motorist, when deemed prudent.

706.6 MAINTENANCE

- (a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.
 - 1. Employees may use the wash racks at the sheriff's facility or maintenance yards.
 - 2. Cleaning/maintenance supplies will be provided by the department.
- (b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
- (c) Supervisors shall ensure that vehicles assigned under their command are being maintained in accordance with motor pool guidelines.
- (d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced by motor pool.
 - 1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
 - 2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer by motor pool.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Sheriff or his designee.

706.7 COLLISION DAMAGE, ABUSE AND MISUSE

When a County-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction.

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the California Highway Patrol should be summoned to handle the investigation.

Collisions involving a private passenger vehicle operated by an employee, when the vehicle use is at the request or direction of a supervisor and is in the performance of the employee's duties,

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shall be a liability of the San Joaquin County Sheriff's Office, not the vehicle owner. Consideration should be given to an outside agency handling the collision investigation report (Insurance Code § 488.5).

The employee involved in the collision shall complete the County's vehicle collision form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift sergeant.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

706.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on duty, are exempt from paying the toll. Commuting, or returning to the County after an emergency does not qualify for this exemption and personnel using County owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a County owned vehicle upon the toll road shall adhere to the following:

- (a) All employees operating a County owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the County for any toll fees.
 - (b) All employees passing through the Toll Plaza or booth during a response to an emergency shall draft a memo to their respective Division Commander with five working days explaining the circumstances.
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Personal Protective Equipment

707.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

707.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

707.2 POLICY

The San Joaquin County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

707.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

707.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

707.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

707.6 RESPIRATORY PROTECTION

The CRT Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

707.6.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
 - (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
 - (c) The member needs to replace the respirator, filter, cartridge or canister.
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707.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

707.6.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

707.6.4 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
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- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

707.6.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

707.7 RECORDS

The CRT Commander is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

707.8 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis provides information for statistical reporting and management review of deployment and resource strategies.

Crime analysis is to provide current statistical information to operational personnel to analyze the effectiveness of tactical crime control, prevention - objectives by identifying and analyzing methods of operation, crime trends and patterns, from various data sources.

Crime Analysis also supports management through ongoing reporting of staff activity, deployment, directed policing and coordinated abatement of police problems utilizing various data sources and crime analysis factors.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)
- Records Management System (RMS)
- Cusins
- CJIS
- ARIES
- Federal/State Databases
- Criminal Registrant Information

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
 - Geographic factors
 - Temporal factors
 - Victim and target descriptors
 - Suspect descriptors
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- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information
- Seasonal (Holidays, Weather, Length of daylight/darkness)

800.4 CRIME ANALYSIS DISSEMINATION

Crime analysis is to disseminate information through standardized reports or individual directed analysis requests.

Communication Operations

802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

802.1.1 FCC COMPLIANCE

San Joaquin County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between the Communications Center and deputies.

The operations of the Communications Center shall be pursuant to the Communications Policy Manual.

802.3 RADIO COMMUNICATIONS

Operations are more efficient and employee safety is enhanced when dispatchers, supervisors, and fellow deputies/correctional staff know the status of deputies/correctional officers, their locations and the nature of cases.

802.3.1 DEPUTY IDENTIFICATION

Identification systems are based on factors such as beat assignment and employee identification numbers. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the department 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) and on the Armed and Prohibited Persons Systems (APPS)

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

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. This information will be detailed in a documented report.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

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- (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.
- (c) Complete an evidence/property tag and attach it to each item of evidence for those items that cannot be stored in an evidence envelope or bag in which the property is stored.
- (d) When placing evidence in a bag for storage, write on the face of the bag the same information you would as if using an evidence envelope, including the same order and placement.
- (e) The original property form shall be submitted with the documented report. The yellow copy shall be placed in the document basket provided on the property room wall for the Evidence Custodians.
- (f) When the property is too large to be placed in a locker, the item may be placed in the outside storage area sally port (located at the Honor Farm) or inside the door of the secured evidence room area depending on the security level needed. After hours, if the item is too large for the outside sallyport or inside storage, the deputy must contact the on-duty Evidence Custodian to assist in placing the item(s) in the security evidence room area or the outside main storage area.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and/or dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health & Safety Code § 11364 shall also be booked separately.

The deputy seizing the narcotics and/or dangerous drugs shall place them in the designated locker or evidence wall slot. The original property evidence receipt shall accompany the documented report. The yellow copy will be placed in the document basket on the wall for the Evidence Custodian.

A copy of the evidence sheet shall be forwarded to the Metropolitan Task Force (METRO) for their records and disposition purposes.

804.3.3 EXPLOSIVES

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the sheriff's facility. [REDACTED]

[REDACTED] EOD will be responsible to dispose of the contents of the container. An e-mail shall be sent to the EOD supervisor to be made aware of the item being stored in the blockhouse.

Sheriff's personnel who encounter an explosive device shall immediately notify their immediate supervisor and/or Watch Commander. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

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804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items, when they are to be booked in to the evidence room, shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking
- (b) License plates found not to be stolen or connected with a known crime, should be booked into evidence for return to DMV. The deputy shall complete a CHP 180 form and submit it to Records along with the evidence receipt. The deputy shall also notify Records to make a CLETS entry regarding the plate.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Custodian, or placed in the bicycle storage area until an Evidence Custodian can log the property.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Deputy Sheriff shall ensure the Records Manager is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Division Policy).

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

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- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

During booking of a syringe for a criminal case, a photocopy of the syringe should be made and booked as evidence. The syringe shall then be disposed of in an appropriate "sharps" container.

804.4.2 PACKAGING NARCOTICS

The deputy seizing narcotics and/or dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker. The original property evidence receipt shall accompany the documented report. The yellow copy of the receipt shall be placed in the document basket on the wall for the Evidence Custodian. A copy of the Evidence sheet shall be sent to the Metropolitan Narcotics Task Force (METRO) for their records and disposition purposes. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy's report.

Narcotics and/or dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking deputy shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and/or dangerous drugs shall not be packaged with other property.

804.5 RECORDING OF PROPERTY

The Evidence Custodian receiving custody of evidence or property shall verify the information on the evidence sheet is filled out correctly with required information. The item(s) of evidence are properly labeled in their storage method. If complete, the custodian will receive the evidence to be stored in the evidence room. The Evidence Custodian will complete necessary computer data entry into the evidence storage tracking system, assign a bar code to the evidence and write the bar code number on the top right corner of the yellow evidence sheet for future reference, if needed.

A separate bar code will be assigned to each evidence storage bag, envelope or individual item depending on how it is labeled for storage. This bar code number shall be recorded in the evidence storage computer tracking system.

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Any changes in the location of property held by the San Joaquin County Sheriff's Office shall be noted in the evidence storage computer tracking system.

804.6 PROPERTY CONTROL

Each time the Evidence Custodian receives property or releases property to another person, he/she shall enter this information in the evidence storage computer tracking system. Deputies desiring property for court shall (whenever possible) contact the Evidence Custodian at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. A supplemental documented report shall be completed every time evidence is opened, removed or returned to the evidence room, in order to maintain chain of evidence. With the exception of sworn personnel, no property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Evidence Custodian. This request may be filled out any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the evidence storage computer tracking system and the request for laboratory analysis.

The Evidence Custodian releasing the evidence must complete the required information in the evidence storage computer tracking system and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. A supplemental documented report will be completed to maintain the chain of evidence. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Division for filing with the case.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted in the evidence storage computer tracking system, stating the date, time and to whom released. The deputy will complete the supplemental documented report for chain of evidence purposes.

The Evidence Custodian 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 in the evidence storage computer tracking system, indicating date, time, and the person who returned the property. The deputy returning the property will complete a supplemental documented report for chain of evidence purposes.

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804.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigative Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form. A supplemental documented report will be completed listing items to be released, or destroyed, and to/by whom.

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 120 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 120 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 Custodian shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property, it will be documented in the evidence storage computer tracking system as to the disposition of these items, and a copy of the disposition form shall be forwarded to the Records Division for filing with the case. Upon release, it shall be documented in the evidence storage computer tracking system.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865. And has been reviewed and approved by an investigations Supervisor with the required disposition form completed.

Prior to the final release, a check shall be done in the Armed and Prohibited Persons Systems (APPS) and DOJ databases by the Investigations Division personnel with the approval of a Supervisor, to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available

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for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigative Division and/or the Metropolitan Narcotics Task Force (METRO) will work with the Evidence Custodian(s) for the proper storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

804.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the Evidence Custodian shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm 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).

804.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) which conforms to the provisions of Penal Code § 33865. After review and authorization by the Investigations Division.
 - (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the weapon is not retained as evidence, the department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which conforms to the provisions of Penal Code § 33865. After review and authorization by the Investigations Division.
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- (c) Unless the person contacts the department 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. After review and authorization by the Investigations Division.

804.6.10 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). After review and authorization by the Investigations Division.

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). After review and authorization by the Investigations Division.

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the San Joaquin 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). After review and authorization by the Investigations Division.

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal from the Investigations Division. The Evidence Custodian shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
 - Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
 - Counterfeiting equipment (Penal Code § 480)
 - Gaming devices (Penal Code § 335a)
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- 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(e))

804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department 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.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Division Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The 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 Division 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 Department 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

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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).

804.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
 - (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
 - (c) An annual audit of evidence held by the department shall be conducted by a Division Captain (as appointed by the Sheriff) not routinely or directly connected with evidence control.
 - (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property should 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.
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Records Division Procedures

806.1 PURPOSE AND SCOPE

The Records Manager shall maintain the department Records Division Procedures Manual on a current basis to reflect the procedures being followed within the Records Division. Policies and procedures that apply to all employees of this department are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Division by Records Division personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all attachments critical to a case shall be maintained in a secure area within the Records Division accessible only to authorized personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Operations Watch Commander.

San Joaquin County Sheriff's Office employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.3 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Patrol Division Commander 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 Department and the record reflects only a detention.
 - (c) The Bureau of Criminal Identification and Investigation of the DOJ is notified.
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Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

808.2 PROCEDURE

Any firearm coming into the possession of the San Joaquin County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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808.2.3 DEPUTY RESPONSIBILITY

The Evidence Custodian receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the California Department of Justice Crime Lab for restoration and maintain the chain of evidence.

808.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Evidence Custodian will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) NTC Obliterated Serial Number Trace Request Form (ATC 3312.1-OBL) and forward the form to the National Tracing Center in Falling Waters, West Virginia.

808.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

808.4 FIREARM PROCESSING

808.4.1 POLICY

Any time a firearm taken as evidence, found or stolen property, as coroner's property, or for safekeeping has had its serial number removed or obliterated:

- The property sergeant shall be notified of the appropriate documented report number.
- The firearm shall be properly booked into the evidence room.

808.4.2 DEFINITIONS

- (a) Evidence - Property which may be related to a crime or which may implicate or clear a person of a criminal charge.
 - (b) Found Property - Non-evidentiary property which, after coming into the custody of this agency, has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense.
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- (c) Property Held for Safekeeping - Non-evidentiary property which is in the custody of this department for temporary protection on behalf of the owner.
- (d) Coroner's Property - Non-evidentiary property taken pursuant to a coroner's case.

808.4.3 LAW

- (a) The Fourth Amendment to the U.S. Constitution forbids "unreasonable" seizure of personal property. Officers are permitted to "reasonably" seize personal property either upon a warrant, with consent, or with probable cause.
- (b) Release of property/evidence by officers of this department is governed by the following:
 - Found property - Civil Code 2080.4, Co. Ord. 2-7100 - 2-7102.
 - Evidence (theft - embezzlement) - Penal Code 1407-1417.7.
 - Evidence (all other) - Penal Code 1417-1417.7, Civil Code 2080.
 - Bicycles - Civil Code 2080.4, Co. Ord. 2-7103.
 - Coroner's property - Government Code 27-82, 27462-27468.

808.4.4 SERIAL NUMBER RESTORATION PLAN

Penal Code Section 11108.9

The passage of Assembly Bill 2011 (Chapter 911, Statutes of 1998) amends Penal Code sections dealing with serial numbers and manufacturer markings on firearms. Penal Code Section 11108.9 states: "Each local law enforcement agency shall develop, in conjunction with and subject to approval of the Department of Justice, a succinct Serial Number Restoration Plan setting forth the goals of reduction in the number of recovered firearms that cannot be traced due to obliterated serial numbers, and the methods that the local agency will follow in order to achieve these goals, including but not limited to establishing local programs for restoring serial numbers and assessing resources of the Department of Justice or the Bureau of Alcohol, Tobacco, and Firearms for restoring serial numbers. These plans shall be submitted to the Department of Justice by January 1, 2000."

808.4.5 BOOKING OF EVIDENCE/PROPERTY

- (a) Booking of Evidence
 - 1. The following items shall be booked as EVIDENCE:
 - Items used as weapons in the commission of a crime.
 - Items necessary to show the aggravated nature of the crime (arming).
 - Items taken as a result of a search warrant (1536 PC).
 - Money, if suspect arrested (1412 PC).
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- Items illegal to possess under municipal, state or federal laws (1417.6 PC).
 - Items subject to scientific examination.
2. All evidence taken in the following crime classifications:
- Homicide
 - Robbery
 - Rape
 - Kidnap
- (b) Booking of Property (non-evidence)
1. Non-evidence property should be booked for only two (2) reasons:
- Ownership is unknown and there is some value of the property.
 - Safekeeping.
2. Non-evidence property can only be disposed of as follows (refer Civil Code 2080.4 and Co. Ord. 2-7100 and 2-7103):
- Public auction
 - Government use
 - Prevention of juvenile delinquency
 - General Fund (monies)
 - Destruction
 - Found property cannot be returned to finder
 - Return to rightful owner

808.4.6 PROCEDURE

- (a) Process for Depositing Evidence/Property
1. All evidence/property shall be placed in a designated temporary storage locker located in the Distribution Center evidence lobby. NOTE: A refrigerator/freezer is available in the Distribution Center evidence lobby. The two large lockers in the lobby shall be used for long gun only.
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2. If the item(s) are larger than the temporary storage lockers, the item(s) shall be placed in the sally port to the outside storage area or other suitable secure location. THEY CANNOT BE PLACED IN THE DISTRIBUTION CENTER EVIDENCE LOBBY.
3. If too large or unsafe in indoor storage, place item(s) in the sally port to the outdoor storage area located west of the Distribution Center.
4. If the item(s) are packaged in a 10" X 12" envelope, they may be deposited in the mail slot opening in the Distribution Center evidence lobby.

(b) Documentation

1. A Sheriff's Evidence/Property Report form or form S/O 218 (NCR receipt form) shall be completed to document booking of evidence/property. This report shall include all requested information known to the investigator.
 - Documented report number, case classification, victim, and suspect (if known).
 - Detective unit that the original investigator believes will handle the disposition of property.
 - Brand name, serial number, and brief description.
 - Investigating officer's name, temporary locker number and/or location where items are stored.
 - Any special handling instructions; i.e., refrigerate, freeze, etc.

(c) Packaging

1. All evidence/property shall be properly packaged, tagged, and confirmed to any applicable special handling instructions.
 - Items that are packaged shall be placed in an envelope, paper bag, or cardboard box no smaller than 10" X 12". If an item is placed inside an envelope smaller than 10" X 12" (such as a coin envelope, the envelope will be sealed and placed inside a 10" X 12" envelope with the case number, employee name, and brief description written on the coin envelope as well as required labeling on the 10" X 12" envelope).
 - Items that do not need to be packaged such as firearms shall have an evidence tag completed and attached.
 - It is not mandatory to mark firearms that have a unique serial number with your initials and/or case number. In lieu of defacing the firearm, you may
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identify it by using the evidence tag. Extra care should be used to assure that the serial number is documented correctly.

[REDACTED]

2. Upon depositing the evidence/property in temporary storage, place the Sheriff's Evidence/Property Report in the wall pocket provided. If the item(s) are placed elsewhere, deposit the Sheriff's Evidence/Property Report in the Distribution Center evidence room wall pocket. NO PROPERTY WILL BE ACCEPTED WITHOUT THIS FORM.

Records Maintenance and Release

810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

810.2 POLICY

The San Joaquin 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 § 6250 et seq.).

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Sheriff or the authorized designee. If an extension is authorized, the department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).
- (b) In accordance with the Public Records Act, the department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Professional Standards Division for a determination as to whether the records will be released.

810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
 - (b) Maintaining and updating the department records retention schedule including:
 - 1. Identifying the minimum length of time the Department must keep records.
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2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (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 § 6253).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.
- (h) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 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.
- (i) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department's website.

810.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

- (a) **Victim information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).
 - (b) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
 1. Analysis and conclusions of investigating deputies may also be exempt from disclosure.
 2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.
 - (c) **Specific crimes** - Certain types of reports involving, but not limited to, **child abuse/molestation** (Penal Code § 11167.5), **elder abuse** (Welfare and Institutions Code § 15633) and **juveniles** (Welfare and Institutions Code § 827) shall not be made public.
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- (d) **General information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (e) **Deceased juvenile crime victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).

810.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

810.3.3 TRAFFIC COLLISION REPORTS

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.

810.3.4 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254((c)); Penal Code § 832.7; Penal Code § 832.8).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

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.

Any request for personnel records of peace officers shall be referred to the Internal Affairs Division.

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810.3.5 CONCEALED WEAPONS PERMITS

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

810.3.6 DOMESTIC VIOLENCE REPORTS

Victims of domestic violence or their representative shall be provided, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

810.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253.)

The processing of requests for any record is subject to the following (Government Code § 6253):

- (a) The Department 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 department 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 § 6254.30).
 - (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 Department 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 § 6253.1).
 - 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If
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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 Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department 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 (Government Code § 6255). The written response shall also include the names, titles, or positions of each person responsible for the denial.

810.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, 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 § 6254.29).
 - (c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; 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,
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Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.
- (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 § 6254).
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 § 6254(f).
- (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 Attorney, 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 § 6254).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department
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of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

- (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- (n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).
- (o) A record of a civilian 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)(8)).
- (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 § 6254).
- (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 § 831).

810.6 RELEASED RECORDS TO BE STAMPED

All relevant documents released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be memorialized as to the documents released and to whom.

810.7 SECURITY BREACHES

The Records Manager, in conjunction with the ISD Manager, shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired unencrypted personal identifying information stored in any department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the department determines that notification 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. It is the responsibility of the ISD Manager to ensure the integrity of the in-house data systems to protect them from outside breaches and to notify the Sheriff and the Records Manager in the case of an event.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social security number
 - Driver license number or California identification card number
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- Account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A user name or email address, in combination with a password or security question and answer that permits access to an online account

810.7.1 FORM OF NOTICE

- (a) The notice shall be written in plain language and include, to the extent possible, the following:
 1. The date of the notice.
 2. Name and contact information for the San Joaquin County Sheriff's Office.
 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
 4. The estimated date or date range within which the security breach occurred.
 5. Whether the notification was delayed as a result of a law enforcement investigation.
 6. A general description of the security breach.
 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a social security number or a driver's license or California identification card number.
 - (b) The notice may also include information about what the San Joaquin County Sheriff's Office has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself.
 - (c) When a breach involves an online account, and only a user name or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached:
 1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same user name or email address and password or security question and answer.
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810.7.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods:
 - 1. Written notice.
 - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 - 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the department does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice, when the department has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the department's webpage.
 - 4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
 - (b) If a single breach requires the department to notify more than 500 California residents, the department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.
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Protected Information

812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the San Joaquin County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

812.2 POLICY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), Penal Code § 13300, which defines local summary criminal history information, and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

812.3 RESPONSIBILITIES

The Sheriff shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, San Joaquin County Sheriff's Office policy or training. Only those members who have

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completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

812.4.1 PENALTIES FOR MISUSE OF RECORDS

The Records Manager is designated as the CORI Security Officer for the San Joaquin County Sheriff's Office. The Records Manager is responsible for ensuring compliance with this policy and with applicable records security regulations and requirements imposed by federal and state law. The CORI Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.

812.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Records Manager - CORI Security Officer
- (b) Employees of the Records Division
- (c) Personnel in the course of their official duties, under exigent circumstances as authorized by a Manager (rank of Lieutenant or above), having knowledge of the limited purpose of disclosure (set forth).

812.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the deputy or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

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A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

812.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

812.7 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Professional Standards Division shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Division, the Communications Center and in the Investigations Division to preclude access by unauthorized persons.

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No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

812.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by means equal to shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

812.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Manager, unless otherwise directed by the Professional Standards Division Captain, shall be the department's official Custodian of Criminal Records and will serve as a primary contact for the California Department of Justice for any related issues. The Professional Standards Division Captain may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administration will ensure the he/she makes the appropriate applications and notifications to the California Department of Justice regarding the department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

The subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

812.8 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

812.9 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

814.1 PURPOSE AND SCOPE

[REDACTED]
[REDACTED]
[REDACTED] for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. [REDACTED]

2. [REDACTED]
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) [REDACTED]
[REDACTED]

- (g) Lodge all computer items in the Evidence Room. Do not store computers where normal room temperature and humidity is not maintained.

- (h) At minimum, deputies should document the following in related reports:

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

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Computers and Digital Evidence

[REDACTED]

[REDACTED]

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

[REDACTED]

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

[REDACTED]

- (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 Bureau to copy the contents to an appropriate form of storage media.
 - (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCDS

[REDACTED]

[REDACTED]

[REDACTED]

- (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) [REDACTED]
[REDACTED]
[REDACTED]
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Deputies handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property Bureau as soon as possible for submission into evidence.
 - (b) Deputies are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
 - (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic
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carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Deputies requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
 - (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
 - (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.
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Recruitment and Selection

900.1 PURPOSE AND SCOPE

The employment policy of the San Joaquin County Sheriff's Office shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, military or veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the San Joaquin County Department of Human Resources.

900.2 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 Office.

All Correctional Officer candidates must meet the minimum standards described in California Government Code § 1029/1031 in addition to the employment standards established by this Office.

900.3 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 San Joaquin County Department of Human Resources maintains standards for all positions.

The dilemma facing the Office is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the County of San Joaquin or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) develops a Job Dimensions list, which is used as a professional standard in background investigations of public safety applicants.

The following standards have been adopted for applicants for employment with the Sheriff's Office:

900.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The possession of a valid California driver's license
 - (b) The ability to drive safely
 - (c) The ability to control a motor vehicle at high speeds
 - (d) The ability to operate a motor vehicle in all types of weather conditions
 - (e) The following shall be disqualifying:
 - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a
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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, unless while employed as a peace officer at another agency.
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 or currently on probation for driving under the influence.

900.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- (c) Showing strong moral character and integrity in dealing with the public
- (d) Being honest in dealing with the public
- (e) The following shall 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 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.

900.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
 - (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)
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4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

900.3.4 DEPENDABILITY

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
 - (b) A record of being motivated to perform well
 - (c) A record of dependability and follow through on assignments
 - (d) A history of taking the extra effort required for complete accuracy in all details of work
 - (e) A willingness to work the hours needed to complete a job
 - (f) The following 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
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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.

900.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
- (e) The following may be disqualifying:
 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
 2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

900.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
 - (b) Empathy
 - (c) Discretion, not enforcing the law blindly
 - (d) Effectiveness in dealing with people without arousing antagonism
 - (e) The ability to understand the motives of people and how they will react and interact
 - (f) The following 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
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900.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations
- (b) The ability to make sound decisions on the spot
- (c) The ability to use good judgment in dealing with potentially explosive situations
- (d) The ability to make effective, logical decisions under pressure
- (e) The following shall be disqualifying:
 - 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
 - 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

900.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
 - 1. 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
 - 2. Any adult manufacture or cultivation of a drug or illegal substance
 - 3. Failure to divulge to the department any information about personal illegal use or possession of drugs
 - 4. 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 three years ago or cocaine use longer than five years ago.)
 - 3. Any illegal or unauthorized use of prescription medications
 - 4. Any adult use or possession of a drug classified as a hallucinogenic
 - 5. Any adult use or possession of marijuana within three years prior to application for employment
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6. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within five years prior to application for employment

900.4 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 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 Department 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.

900.4.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
- (c) At least 18 years of age
- (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 which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) 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)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

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900.4.2 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

902.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the Office and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

902.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. 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, correctional staff and civilian supervisory personnel shall be sent to a POST approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

902.3 EVALUATION FREQUENCY

Employee Performance Reports will be completed annually on the employee's anniversary date and according to the relevant employee memorandum of understanding and Civil Service Rule 13.

902.4 PROBATIONARY PERSONNEL

Employees who are on probationary status are evaluated at the fourth, seventh, and eleventh month of their probation.

Typically, the eleventh month probationary evaluation will be the final probationary evaluation.

902.5 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 division to another then an evaluation shall be completed prior to the transfer.

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Evaluation of Employees

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary. This may be due to employee performance that is deemed less than standard or performance that is exemplary and deserving of a special evaluation. 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.

902.6 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.

902.7 EVALUATION DISTRIBUTION

The original performance evaluation and one copy are routed to the Sheriff's Administrative Assistant who will route the original to County Human Resources and file the copy 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 maintained in the employee's divisional file.

Administrative Appeal Process for Reassignments or Transfers

905.1 PURPOSE AND SCOPE

To set the guidelines for conducting hearings related to a transfer of an employee where, as a result of that transfer, there is a loss of pay to the employee.

905.2 DEFINITIONS

Administrative Hearing for Reassignment hearing conducted upon imposition of involuntary reassignment or transfer of a peace officer or non-sworn public officer which results in a loss of pay or compensation.

905.3 POLICY

It is the policy of the San Joaquin County Sheriff's Office to conduct all internal administrative hearings in disciplinary and other personnel matters in a fair and expeditious manner that conforms to the requirements of the law for both the Sheriff's Office and the affected employee. This order is not intended to create new substantive rights or to impose new obligations beyond those otherwise required by applicable law, except as set forth in this order.

905.4 PROCEDURE

Department employees may from time to time be transferred in order to perform the duties promulgated by the department and its supervisory authorities. Should an employee interpret a transfer as being for "purposes of punishment", pursuant to the Public Safety Officers' Procedural Bill of Rights Act, he/she shall submit a request (in writing) for an Administrative Review to their current Captain within 10 calendar days of the notification of transfer.

905.4.1 DEPARTMENT ACTION

The Captain will forward the request to the Undersheriff who will be the department's designated Hearing Officer. Under certain circumstances the Sheriff may designate an alternate hearing officer at the Assistant Sheriff level. The Undersheriff will forward this request to the Captain of Professional Standards who will act as an Investigative Officer regarding this issue. Whenever necessary to insure that a neutral investigation is conducted, the Sheriff may designate an alternate investigator at the Captain level. This Investigating Officer will conduct an investigation into the reasons for the transfer and will document that investigation with a written report. The investigative report shall contain the factual basis for the transfer and documentation (if any) that supports the decision. The investigative report shall be completed within 10 calendar days after submission of the request for appeal and forwarded to:

- The Undersheriff
 - The appropriate Captain
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Administrative Appeal Process for Reassignments or Transfers

- The employee

905.4.2 EMPLOYEE ACTION

Within 15 calendar days after submission of the request for appeal, the employee or his/her designated representative shall submit a written report to the Undersheriff detailing the following:

- (a) The circumstances surrounding the transfer, objections to the transfer, and any relevant mitigating circumstances.
- (b) Any supporting documentation or requests for supporting documentation not readily available to the employee (copies of requested documentation if available and deemed relevant by the Undersheriff will be made available to the employee before the administrative appeal).
- (c) The names of any supporting witnesses with knowledge of the circumstances related to the transfer.

905.4.3 UNDERSHERIFF REVIEW

The Hearing Officer (Undersheriff) shall review the reports submitted by the employee and may direct further investigation into the matter, or schedule an appeal hearing within 20 calendar days. Should there be reasonable circumstances, the hearing may be scheduled at a mutually agreeable date and time

905.4.4 HEARING PROTOCOL

The employee and/or their representative and the Department Investigator shall be provided an opportunity at the hearing to present oral and/or documentary evidence and sworn testimony of witnesses with the knowledge of the circumstances related to the transfer.

- (a) The Hearing Officer shall rule the conduct of the hearing.
 - (b) The Hearing Officer may compel the attendance of employee witnesses who have knowledge of the circumstances related to the transfer.
 - (c) The department shall make a recording of the hearing and a copy will be made available to the employee or the employee may make a recording of the hearing at their own expense utilizing their own equipment and tape(s).
 - (d) An attorney or a representative may represent the employee.
 - (e) The Department Investigator shall represent the Sheriff's Office.
 - (f) The hearing shall be conducted as follows:
 1. The Hearing Officer shall select a hearing date, time, and place.
 2. The Department Investigator shall present witnesses and/or documents supporting the department's position.
 3. The employee (or his/her representative) may cross-examine the department's witnesses and review submitted documents.
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Administrative Appeal Process for Reassignments or Transfers

4. The employee shall present witnesses and/or documents supporting his/her position.
5. The Department Investigator may cross-examine the appellant's witnesses and review submitted documents.
6. The Hearing Officer may examine all witnesses, all documents, and shall rule on all objections made by either side.
7. The Department Investigator and the employee (or his/her representative) may make closing statements at their discretion.
8. Both sides shall be allowed sufficient time to present their position.
9. The Hearing Officer, after evaluating all pertinent information, shall make written findings and recommendations with 5 calendar days after the review hearing. These findings and recommendations shall address the following points.
 - (a) The basic facts and circumstances pertaining to the action, as determined by the Hearing Officer.
 - (b) Whether the action taken by the department was reasonable and proper under those facts and circumstances.
 - (c) Whether the action should be upheld, reversed, or modified.

905.4.5 FINDINGS

The original of the findings and recommendations shall be submitted to the Sheriff. A copy of the findings shall be forwarded to the employee. Additionally, a copy of the hearing tape recording(s) will be forwarded to the employee and the original tape recording(s) will be filed along with a copy of the written findings to Internal Affairs.

The Sheriff shall review the submitted findings and recommendations and render a written decision regarding the action within 5 calendar days after determination of the findings. The decision of the Sheriff shall be final.

Off Duty Involvement

909.1 POLICY

The Sheriff shall be notified immediately via the chain of command of any use of police power and/or authority by sworn officers while off duty.

The Sheriff shall be notified within twenty four (24) hours in writing via chain of command whenever any employee is involved in any incident, investigation, or criminal inquiry with any law enforcement agency no matter how slight.

The only exception is when the contact is solely related to a traffic violation infraction, any other non-drug related infraction or where the employee has a right to remain anonymous under the law.

909.2 PROCEDURE

- (a) In the event of the use of police powers/authority off duty:
 - 1. The involved employee shall immediately report the incident, investigation, or criminal inquiry to his/her immediate supervisor or the on-duty supervisor.
 - 2. The supervisor shall be responsible to obtain sufficient information to clarify the incident and to then notify his/her Divisional Lieutenant/supervisor. This information will immediately be forwarded to the Sheriff via the chain of command.
 - 3. The involved employee shall submit a written report within twenty-four (24) hours of the incident, investigation, or criminal inquiry to Sheriff via the chain of command. The written report shall provide a summary of the incident including any report number of the involved law enforcement agency.
 - (b) In the event of any employee involvement in an incident with any law enforcement agency:
 - 1. The involved employee shall immediately report the incident, investigation, or criminal inquiry to his/her immediate supervisor or the on-duty supervisor, except where the employee has a right to remain anonymous under the law.
 - 2. The supervisor shall be responsible to obtain sufficient information to clarify the incident and to then notify his/her Divisional Lieutenant/supervisor. This information will immediately be forwarded to the Sheriff via the chain of command.
 - 3. Whenever possible, the employee shall submit a memorandum (or other written documentation) within twenty-four (24) hours of the incident, investigation, or criminal inquiry to the Sheriff via the chain of command. The memorandum shall provide a summary of the incident including any report number of the involved
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San Joaquin County Sheriff's Office

POLICIES

Off Duty Involvement

law enforcement agency. If the employee is on leave when the incident occurs, the employee shall submit the memorandum upon return to work.

Reporting of Employee Convictions

910.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Lieutenant of Professional Standards Division shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The Lieutenant of Professional Standards Division shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

910.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

910.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

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Reporting of Employee Convictions

910.4 REPORTING PROCEDURE

All members of this department and all retired deputies with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

910.5 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. Each employee 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 as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Drug- and Alcohol-Free Workplace

912.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

912.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

912.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

912.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

912.3.2 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.

912.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

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Drug- and Alcohol-Free Workplace

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe 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).

912.5 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.

912.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the department.

912.7 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the department 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).

912.8 CONFIDENTIALITY

The department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

Sick Leave

914.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

914.2 POLICY

Sick leave may be used for absences caused by illness, injury, diagnosis, care or treatment for existing health conditions, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

914.2.1 NOTIFICATION

Employees are encouraged to notify the on duty Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the department with no less than 30-day notice of the intent to take leave.

914.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, provide an update on their absence and expected date of return to work. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

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Sick Leave

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

914.3.1 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 Department 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.

914.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

914.5 REQUIRED NOTICES

The Director of Human Resources 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.
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Military Leave

915.1 POLICY

All employees of the San Joaquin County Sheriff's Office who are members of a military reserve unit or the National Guard and plan to attend their annual intensive military training must notify the Sheriff's Office for clearance and scheduling.

915.2 PROCEDURE

Employees preparing to attend an active duty military training session must complete the "Request for Military Training Leave of Absence" form and attach a copy of the orders.

- (a) The form and orders will be submitted to the Professional Standards Division Captain 30 days or more before military leave is to start.

To qualify for military leave with pay, employees must have completed 12 months employment with the County of San Joaquin or a combination of employment with the County of San Joaquin and "recognized military service" equaling 12 months. "Recognized military service" means a period of time when the United States is at war or full-time service during a national or state military emergency.

- In calculating such leave, the total days encompassed by the order will be counted whether normally scheduled work days or days off.
- Such leave shall not exceed 30 calendar days in any fiscal year unless extended by a County Board of Supervisor's resolution.

Employees involved in monthly drills (inactive duty) are obligated to schedule such drills so that they fall on the employees' days off. The County is not obligated to pay employees while they are attending monthly drills.

- If employees give adequate written notice of conflicting schedule, the department will make a reasonable attempt to change days off to allow attendance while off duty. (Upon receipt of completed "Request for Military Training Leave of Absence".)
 - In the event the schedule cannot be changed, the employee must request a leave of absence without pay or use vacation, holiday, or compensatory time off.
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Military Leave

The "Request for Military Training Leave of Absence" form may be obtained from the Divisional Captains.

The departmental "Time-Off" and/or "Request for Leave of Absence" form must also be included with the above form. The "Request for Leave of Absence" form can be obtained from Sheriff's Administrative personnel.

915.2.1 LEAVE REQUEST FROM

SAN JOAQUIN COUNTY SHERIFF'S OFFICE REQUEST FOR MILITARY TRAINING LEAVE OF ABSENCE

TO: Professional Standards Division Captain

DATE: _____

I, (NAME), request a military training leave (Name) with/without pay from (TIME) at PM AM to (TIME) at PM, a total of days. Said training is active/inactive duty. (circle one)

Specify military unit: _____

Local unit address: _____

Local unit telephone number: _____

Contact Person: _____

(Employee's Signature)

APPROVED: _____ (Professional Standards Division Captain)

APPROVED: _____ (Sheriff or Designee)

To qualify for military leave with pay, employees must have completed 12 months employment with the County San Joaquin Sheriff of a combination of employment with the County of San Joaquin and "recognized military service" equaling 12 months. "Recognized military service" means a period of time when the United States is at war or full-time service during a national or state military emergency. (A copy of the military orders must be submitted with this request. If orders are unavailable at time of request, the employee must use vacation, holiday or compensatory time off until such orders are submitted. The time used will be reimbursed when the orders are received.)

Communicable Diseases

916.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

916.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

- (a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.
 - (b) The exposure occurred without the benefit of applicable exposure controls required by this policy.
 - (c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.
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San Joaquin County Sheriff's Office

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Communicable Diseases

916.2.1 EXPOSURE CONTROL OFFICER

The Sergeant of the Professional Standards Division is the designated safety officer. The safety officer shall be responsible for the following:

- (a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP).
- (b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.
- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.
- (d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.
- (e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.
- (f) Maintaining an up-to-date list of sheriff's personnel requiring training. Developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing and updating the training program.
- (g) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the safety officer and any affected employees to ensure that the proper exposure control procedures are followed.

916.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

916.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
 - Safety glasses or goggles
 - Rescue mask with a one-way valve
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- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)

The protective equipment is to be kept in each sheriff's vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

916.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

916.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

916.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

916.3.1 USE OF WASTE CONTAINERS

Deputies shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the office immediately upon arrival.

The biohazard waste container located at the office shall be collapsible, leak-proof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

916.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

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Communicable Diseases

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

916.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

916.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or sheriff's vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or sheriff's office. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

916.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective

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equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or sheriff's vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

916.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or sheriff's office for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

916.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer (Sergeant of the Professional Standards Division). The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

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916.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

916.3.9 DECONTAMINATION OF OFFICE AND CLEANING AREA

The ECO shall designate a location at the office that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

916.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

916.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

916.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name and employee identification number of the employee(s) exposed.
 - (b) Date and time of incident.
 - (c) Location of incident.
 - (d) What potentially infectious materials were involved.
 - (e) Source of material or person.
 - (f) Current location of material or person.
 - (g) Work being done during exposure.
 - (h) How the incident occurred or was caused.
 - (i) PPE in use at the time of the incident.
 - (j) Actions taken post-event (e.g., clean-up, notifications).
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The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source.

If the safety officer is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

916.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the safety officer and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

916.4.4 COUNSELING

The department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

916.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The safety officer shall ensure that all records and reports are kept in the strictest confidence.

The safety officer shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

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The Risk Manager shall be responsible for maintaining the name and employee identification number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

916.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the safety officer to ensure that the proper testing and reporting occur. These methods are:

- (a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.
- (b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).
- (c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).
- (d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the San Joaquin County Sheriff's Office qualifies as a crime victim (Penal Code § 1524.1).

916.5.1 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the safety officer should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
 - (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The safety officer should document the consent as a supplement to the Exposure Control Report.
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- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the safety officer should promptly consult with County Counsel and consider requesting that a court order be sought for appropriate testing.

916.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the safety officer should take the following steps:

- (a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.
- (d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.
- (e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the safety officer is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the safety officer should seek consent or a court order in the same manner as for a non-arrestee.

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916.6 POLICY

The San Joaquin County Sheriff's Office is committed to providing a safe work environment for its personnel. Personnel should be aware that they are ultimately responsible for their own health and safety.

916.7 EXPOSURE PREVENTION AND MITIGATION

916.7.1 GENERAL PRECAUTIONS

All personnel 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 department vehicles, as applicable.
- (b) Wearing department-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.
- (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.

916.7.2 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).

Smoking and Tobacco Use

918.1 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 San Joaquin 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.

918.2 POLICY

The San Joaquin 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).

918.3 DEFINITIONS

Smoking includes the smoke of a pipe, cigar, cigarette, or any other like substances, lighting such a substance and/or carrying a burning pipe, cigar, cigarette or like substance of any kind.

Smokeless Tobacco is any tobacco product that is used in the mouth.

918.4 PROCEDURE

No smoking or use of smokeless tobacco shall be permitted in County vehicles or enclosed facilities owned, operated or controlled by the County except the following:

- In patient rooms under doctor's orders when consistent with accreditation or licensing requirements.

No person may smoke within 20 feet of a main entrance, exit, door and/or operable window of any Sheriff's Office building.

Personnel Complaints

920.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the San Joaquin 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.

920.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee 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 need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

920.2 POLICY

The San Joaquin County Sheriff's Office takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

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The Department 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 department to ensure that the community can report misconduct without concern for reprisal or retaliation.

920.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms are available from any Sheriff's Office Supervisor, at the Sheriff's Office Internal Affairs counter, or on-line at the Sheriff's Office website. Forms may also be available at other government facilities operated by the Sheriff.

920.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

920.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, on-line, or by telephoning the department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall be accepted on all alleged misconduct, violation of department procedures or improper job performance
 - (b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken
 - (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained, and a preliminary complaint will be taken
 - (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint
 - (e) Complaint forms will be provided upon request
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920.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor, and routed to Internal Affairs through the Division Captain. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

920.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Sheriff or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, Commanding Officer and Sheriff are notified as soon as practicable.
 - (b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Commanding Officer of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Internal Affairs Unit for further action.
 - 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
 - 2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
 - 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Sheriff who will initiate appropriate action.
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- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Department of Human Resources and the Sheriff for direction regarding their role in investigation and/or addressing the complaint.

920.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the department, the employee, other employees or the public, the Sheriff or his designee may reassign the accused employee or place the employee on administrative leave pending completion of the investigation or the filing of administrative charges.

920.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered
- (e) It shall be the responsibility of the assigning lieutenant to promptly notify the employee's Division Captain, Undersheriff and the Sheriff
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with their badge, identification card and other equipment that had been taken

920.4.2 ADMINISTRATIVE LEAVE FORMS

See attachment: [AL-Non-Sworn.pdf](#)

See attachment: [AL-Sworn.pdf](#)

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920.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

920.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of criminal allegations, the Sheriff may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

920.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Internal Affairs Unit, the following procedures shall be followed with regard to the accused employee(s):

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).
 - (b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).
 - (c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
 - (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).
 - (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may
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be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).

- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to *Lybarger*. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).
- (h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).
- (k) No investigation shall be undertaken against any deputy solely because the deputy has been placed on a prosecutor's *Brady* list or the name of the deputy may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the deputy has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

920.6.1 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:

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- (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 Department 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.
- (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.

920.6.2 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

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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.

920.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

920.8 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 Department, 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 department badge, identification, assigned weapons and any other department 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.

920.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

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In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Internal Affairs Unit apart from the employee's personnel file.

920.9 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.

Seat Belts

922.1 POLICY

It is the policy of the San Joaquin 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.

922.2 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

922.2.1 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.

922.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department 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.

922.4 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

922.5 INOPERABLE SEAT BELTS

Department 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.

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Department 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.

922.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

Body Armor

924.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

924.2 POLICY

It is the policy of the San Joaquin 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.

924.3 ISSUANCE OF BODY ARMOR

The Patrol Administrative Lieutenant shall ensure that body armor is issued to all deputies when the deputy begins service at the San Joaquin County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Patrol Administrative Lieutenant 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.

924.3.1 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 should be worn when a deputy is working in uniform or taking part in department range training.
- (e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

924.3.2 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

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armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

924.3.3 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.

924.4 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.
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Personnel Records

926.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

926.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

926.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department 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 maintained.
 - (e) Discipline records, including copies of sustained personnel complaints.
 - 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 two years (Government Code § 26202; Government Code § 34090).
 - 2. Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
 - (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall
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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.

926.4 DIVISION FILE

Division files may be separately maintained internally by an employee'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.

926.5 TRAINING FILE

An individual training file shall be maintained by the Captain of Professional Standards for each employee. 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 employee is responsible for providing the Captain of Professional Standards or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Captain of Professional Standards or supervisor shall ensure that copies of such training records are placed in the employee's training file.

926.6 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

Investigation files arising out of civilian's complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five years. After five years, if

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there is no pending litigation or other ongoing legal proceedings, at the member's request, or at the Department's designated destruction date (January of each year), investigation files arising out of a civilian's complaint(s) shall be purged. Investigations that resulted in other than a sustained finding may not be used by the Department 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 two years (Government Code § 26202; Government Code § 34090). After two years, and at the member's request, or the Department's designated destruction date (January of each year), investigation files arising out of an internally generated complaint shall be purged.

926.7 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.

926.8 SECURITY

Personnel Files Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings shall be purged five years from the underlying complaint date (Penal Code § 832.5). The complaints and all related files shall be purged at the member's request or the Department's designated destruction date (January of each year), whichever comes first.

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings shall be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202). The disciplinary files and investigations of non-citizen initiated complaints shall be purged at the member's request or the Department's designated destruction date (January of each year), whichever comes first.

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained
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beyond the statutory 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 applicable statutory period, approval for such retention shall be obtained through the chain of command from the Sheriff.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline excluding IA files should be reviewed for the evaluation period to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Sheriff, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution. 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. 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.

926.8.1 REQUESTS FOR DISCLOSURE

Any employee 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 employee in writing as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file.

926.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records are confidential and shall not be disclosed except as allowed by law. Nothing in this section is intended to preclude review of personnel files by the County Administrator, County Counsel or other attorneys or representatives of the County in connection with official business (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 department may be guilty of a misdemeanor (Penal Code § 146e).

The Department 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

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false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

926.9 EMPLOYEE ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any employee may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any employee seeking the removal of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the Department shall be retained with the contested item in the employee's corresponding personnel record (Government Code § 3306.5).

Once records are identified for disclosure and redacted, the affected member(s), where practicable, will be given an opportunity to review the records and comment prior to disclosure. A request to review the records cannot be made to interfere with or unnecessarily delay the County's disclosure duties.

Personnel 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 employee of the intent to discipline.
 - (b) Confidential portions of internal affairs files that have not been sustained against the employee.
 - (c) Criminal investigations involving the employee.
 - (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the employee.
 - (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 Department 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 employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
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926.10 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF DEPUTIES OR CORRECTIONAL OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of deputies or correctional officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Sheriff or the 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)(2)):

- 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 or correctional officer in connection with an incident, or whether the member's action was consistent with law and department 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)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

- (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 or correctional officer.
 - (b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the department or oversight agency regarding:
 - 1. A deputy or correctional officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 - 2. Dishonesty of a deputy or correctional officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another deputy or correctional officer, including
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but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

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)(3)).

When an investigation involves multiple deputies or correctional officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of a deputy or correctional officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the deputy or correctional officer. However, factual information about the action of the deputy or correctional officer during an incident or the statements of a deputy or correctional officer shall be released if the statements are relevant to a sustained finding of the qualified allegation against another deputy or correctional officer that is subject to release (Penal Code § 832.7(b)(4)).

926.10.1 REDACTION

The Custodian of Records, in consultation with the Sheriff or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

- (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 or correctional officers.
- (b) Information that would compromise the anonymity of complainants 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 misconduct and serious 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, correctional officer 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)(6)).

926.10.2 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 records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
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1. Disclosure may be delayed 60 days from the date the 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 used the force.
- (b) Filed criminal charges
1. When charges are filed related to an incident where 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 whichever occurs later:
 - (a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the use of force or allegation of use of force by a person authorized to initiate an investigation.
 - (b) Thirty days after the close of any criminal investigation related to the deputy's use of force.

926.10.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - (a) When the criminal proceeding is against someone other than a deputy and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding

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outweighs the public interest for prompt disclosure of records about use of serious force by deputies.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department 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)(7)).

Emergency Notification

927.1 POLICY

The emergency response requirements of this Office dictate that all employees of the San Joaquin County Sheriff's Office be able to respond immediately when recalled to duty.

All employees shall keep this department apprised of his/her current actual residence address and contact phone number in the event it is necessary to recall employees to duty. Post Office box addresses are not permitted.

The business address of the San Joaquin County Sheriff's Office shall not be utilized by any employee for receipt of personal correspondence not related to the official business of this Office.

The "Personnel Emergency Notification Form" shall be updated annually by supervisors at the beginning of the calendar year.

927.2 LAW

Article 11, Section 10(b) of the California State Constitution sets guidelines for residence requirements for all public entities.

927.3 PROCEDURE

Upon employment, all new employees of this department must complete a PERSONNEL EMERGENCY NOTIFICATION form (see attachment) which lists pertinent personal information necessary to contact the employee in the event of an emergency or any event involving or requiring immediate personal contact. This form also requires information concerning spouse or next of kin for notification in case of injury or death.

All employees shall notify Sheriff's Administration through the chain of command within 7 calendar days of any change of information on the Personnel Emergency Notification form.

Request for Transfer

928.1 PURPOSE AND SCOPE

It is the intent of the department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

928.2 REQUEST FOR TRANSFER

Personnel wishing a change of assignment are to complete a Request for Transfer form. The form should then be forwarded through the chain of command to their Division Captain.

928.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Transfer form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Request for Transfer form.

928.3 SUPERVISOR'S COMMENTARY

The employee's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Captain of the employee involved.

In the case of patrol deputies, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Division Captain. If the Watch Commander does not receive the Request for Transfer Form, the Division Captain will initial the form and return it to the employee without consideration.

Commendations and Awards

930.1 PURPOSE AND SCOPE

The San Joaquin County Sheriff's Office expects a high level of professional conduct from all of its employees. Frequently, members of this office perform their duties in a manner that far exceeds these standards. When such conduct occurs, official commendations will be made. Recommended commendations may either originate from the community or from within the office.

930.2 POLICY

It is the policy of the San Joaquin County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

930.2.1 MEDAL OF VALOR

The Medal of Valor is a gold plated medal, centered by the seal of the "State of California." A blue ribbon laces the top with the words "MEDAL OF VALOR" printed in gold. Immediately over the State Seal the words "SAN JOAQUIN COUNTY" are printed and under the State Seal the words "SHERIFF'S OFFICE" are printed in blue lettering. The medallion is suspended from a red, white, and blue ribbon that will be pinned to the left pocket flap below the badge at the time of the ceremony. Complementing the medallion is a red, white, and blue symbolic decoration "Campaign Ribbon" which may be worn on the uniform left pocket flap below the badge. The medal is encased in a velvet container and is presented with a citation with a description of the incident in a presentation case.

Recipients of the "Medal of Valor" who receive the medal on more than one (1) occasion shall be awarded another medal and shall be awarded a gold star which shall be worn on the "Campaign Ribbon" starting in the center. Each additional star that is awarded shall be placed on the "Campaign Ribbon" alternating sides starting from left to right. If the recipient receives more than three (3) stars he/she shall then be awarded a second "Campaign Ribbon" which shall be worn to the right of the first ribbon.

930.2.2 SILVER STAR

The Silver Star is a silver-plated medal, centered by the seal of the "State of California." A blue ribbon laces the top with the words "SILVER STAR" printed in silver lettering. Immediately over the State Seal the words "SAN JOAQUIN COUNTY" are printed and under the state seal the words "SHERIFF'S OFFICE" are printed all in blue lettering. The medal is suspended by a silver and blue ribbon. Complementing the medal is a silver and blue symbolic decoration "Campaign Ribbon" which may be worn on the uniform left pocket flap below the badge. The medal is encased in a velvet container and is presented with a citation with a description of the incident in a presentation case.

Recipients of the "Silver Star" who receive the medal on more than one (1) occasion shall be awarded another medal and shall be awarded a silver star which shall be worn on the "Campaign

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Ribbon" starting in the center. Each additional star that is awarded shall be placed on the "Campaign Ribbon" alternating sides starting from left to right. If the recipient receives more than three (3) stars he/she shall then be awarded a second "Campaign Ribbon" which shall be worn to the right of the first bar.

930.2.3 MERITORIOUS SERVICE AWARD

Recipients of the Meritorious Service Award receive a citation with a description of the incident in a presentation case. Complementing the citation is a green and gold "Campaign Ribbon" which will be presented in a velvet container. The "Campaign Ribbon" may be worn on the uniform left pocket flap below the badge.

Recipients of the "Meritorious Service Award" who receive a citation on more than one (1) occasion shall be awarded a bronze star which shall be worn on the "Campaign Ribbon" starting in the center. Each additional star that is awarded shall be placed on the "Campaign Ribbon" alternating sides starting from left to right. If the recipient receives more than three (3) stars he/she shall then be awarded a second "Campaign Ribbon" which shall be worn to the right of the first ribbon.

930.2.4 PURPLE HEART

The Purple Heart is a heart shaped bronze medal suspended from a purple ribbon. Complementing the medal is a purple symbolic decoration "Campaign Ribbon" which may be worn on the uniform left pocket flap below the badge. The medal is encased in a velvet container and is presented with a citation with a description of the incident in a presentation case. Recipients of the "Purple Heart" who receive the medal on more than one occasion shall be awarded another medal and shall be awarded a bronze star which shall be worn on the "Campaign Ribbon" starting in the center. Each additional star that is awarded shall be placed on the "Campaign Ribbon" alternating sides starting from left to right.

If the recipient receives more than three (3) stars he/she shall then be awarded a second "Campaign Ribbon" which shall be worn to the right of the first ribbon.

930.2.5 LIFE SAVING AWARD

Recipients of the Life Saving Award receive a citation with a description of the incident in a presentation case. Complementing the citation is a red and white "Campaign Ribbon" which will be presented in a velvet container. The "Campaign Ribbon" may be worn on the uniform left pocket flap below the badge.

Recipients of the "Life Saving Award" who receive a citation on more than one occasion shall be awarded a bronze star which shall be worn on the "Campaign Ribbon" starting in the center. Each additional star that is awarded shall be placed on the "Campaign Ribbon" alternating sides starting from left to right. If the recipient receives more than three (3) stars he/she shall then be awarded a second "Campaign Ribbon" which shall be worn to the right of the first ribbon.

930.3 ELIGIBILITY AND NOMINATIONS

All department members are eligible within their respective award categories. Nomination will be in accordance with the following procedures.

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930.3.1 NOMINATIONS

Nominations for awards may come from any individual within or outside the department.

Any recognition from outside department should be dealt with as follows:

- Letter from citizens should be given a return response from the divisions Administrative Lieutenant.
- The divisions Administrative Lieutenant will forward copy of the letter to the officers first line supervisor for further investigation for a possible award.
- The first line supervisor will forward a memo with the obtained information the committee for a possible award.

930.3.2 METHOD

When a member of this department performs an act worthy of consideration of a departmental award, it will be submitted on a regular inter-departmental memorandum form that will be forwarded via chain of command to the Captain of the nominee's division. Included in this memorandum will be full documentation of the meritorious act (if more than one person participated in the meritorious act, all names will be included in the single memo form). Supporting documentation will include but not be limited to the following:

- (a) Documented Report or Incident Report.
- (b) Circumstances of events in chronological sequence.
- (c) Charts/Diagrams.
- (d) Photographs.
- (e) Outside Documentation - Letters from outside agencies must have documentation on official letterhead.
- (f) Press clippings.
- (g) Any other documentation related to the incident.

930.3.3 REVIEW BY DIVISION CAPTAIN

The nominee's captain will review the report and, if the nomination merits further consideration, will call a meeting of the review committee.

930.3.4 AWARDS AND COMMENDATION COMMITTEE REVIEW

The Awards and Commendation Committee will evaluate each nomination for an award and will recommend which type(s) of award of commendation is merited, if any, in each case. It may also request or conduct any necessary additional investigation of the incident by sending the recommendation back to the Captain submitting the nomination for clarification or unanswered questions.

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930.3.5 FINAL APPROVAL

The Committee will present its finding to the Sheriff, who upon approval of the nomination, will authorize the type of award. The Sheriff will have one of his/her administrative assistants obtain the appropriate award items.

930.4 AWARD PROCEDURE

An Awards and Commendation Committee is established so as to uniformly recognize all commendations brought about under this General Order. It will be the responsibility of the Committee to evaluate and classify each request for commendation. Committee findings will be forwarded to the Sheriff for review and final approval.

930.4.1 AWARDS AND COMMENDATION COMMITTEE

The Committee will be comprised of five (5) members representing the department. Allocation of membership is as follows and representatives from each bargaining unit shall be chosen by their respective bargaining units.

- (a) The Undersheriff, who will be the Chairman of the Committee.
- (b) Both Assistant Sheriffs.
- (c) The Nominee's Divisional Captain.
- (d) One representative designated by the Nominee's Employee Representation Unit.

930.5 AWARDS FOR SERVICE

The following departmental awards are hereby established and will be presented to those department members in accordance with the criteria established for each award.

It is the policy of the San Joaquin County Sheriff's Office to award the appropriate medal and/or citation to members of the department whose actions fulfill one of the requirements below.

930.5.1 MEDAL OF VALOR

The Medal of Valor is the departments highest award which shall be awarded to sworn and/or public safety employees who, while serving in an official capacity (on or off duty), distinguish themselves conspicuously by heroic actions above and beyond the call of duty. In the event of the employee's death, this award will be presented to the next of kin posthumously. Each recommendation for the Medal of Valor shall include all of the following:

- (a) Where there is an exhibition of bravery beyond that considered being in the line of duty.
 - (b) Where risk of life is with full and unquestionable knowledge of the danger involved.
 - (c) Where the act is not the result of a legal obligation required of the employee performing it.
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930.5.2 SILVER STAR

The Silver Star shall be awarded to sworn and/or public safety employees who, while serving in an official capacity (on or off duty), who distinguish themselves conspicuously by heroic actions above and beyond the call of duty. In the event of the employee's death, this award will be presented to the next of kin posthumously. Each recommendation for the Silver Star shall include all of the following:

- (a) Where there is an act of heroism which extends above and beyond the normal call of duty or service, performed at personal risk.
- (b) Where, under emergency conditions, an act is performed with bravery or other outstanding performance of duty involved.
- (c) Where the act is not the result of a legal obligation required of the employee performing it.

930.5.3 MERITORIOUS SERVICE AWARD

The Meritorious Service Award may be given to any Sheriff's Office Personnel who merit department recognition for work efforts of substantial significance and who displays consistent superior public assistance demonstrated by the following:

- (a) Through personal initiative, tenacity and great effort acts to solve a major crime or series of crimes, or
- (b) Through personal initiative and ingenuity, develops a program or plan which contributes significantly to the department's objectives and goals, or
- (c) For service to the community that clearly is above what is normally expected and/or who has had a significant contribution to the success of a major project or field operation.

930.5.4 PURPLE HEART

The Purple Heart award is given to sworn and/public safety employees for "serious bodily injuries" received in the line of duty. It is awarded to those who are seriously injured or killed while engaged in law enforcement service. In the event of the employee's death, this award will be presented to the next of kin posthumously.

- (a) The injury must be the result of a criminal attack or hostile act, or in the course of a rescue or lifesaving effort. Serious injury or death sustained in the direct pursuit of criminal suspects or terrorist acts are eligible for this award.
 - (b) Serious injury must have been a sudden and traumatic injury or wound that required treatment by medical personnel beyond first aid.
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930.5.5 LIFE SAVING AWARD

The Life Saving Award is given to any Sheriff's Office Personnel whose actions result in the saving or preservation of a human life that otherwise would have expired without the employee's direct involvement. Only one Life Saving Award per incident, regardless of the number of victims saved, will be issued to an individual. The Life Saving Award will only be awarded when the action does not rise to the level that would qualify for the Valor Award.

930.5.6 SHERIFF'S OFFICE 30 YEARS OF SERVICE AWARD

Any employee of the Sheriff's Office who attains 30 years of service to the Office is entitled to receive a plaque inscribed as follows:

Presented to (name and rank) in recognition of 30 years of loyal and dedicated service to the San Joaquin County Sheriff's Office. Insert date of hire and date 30 years of service was attained (Example: September 3, 1976 to September 3, 2006).

Service awards will not count per diem hours of a retiree who retires prior to attaining 30 years of regular service.

930.6 AWARD PRESENTATION

Presentation for awards will be held annually in the first quarter of the calendar year honoring the recipients from the previous calendar year. The presentation ceremony will be presided over by the Sheriff.

The Sheriff has the discretion to call a special awards ceremony, when deemed necessary, throughout the calendar year.

Fitness for Duty

932.1 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).

932.2 EMPLOYEE RESPONSIBILITIES

- (a) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (b) 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.

932.3 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.

932.4 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 accrued time off in accordance with their respective MOU in order to obtain medical treatment.

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Fitness for Duty

932.5 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.

932.6 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 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.
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POLICIES

Fitness for Duty

932.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 18 hours in one day (24 hour period) or
- 36 hours in any 2 day (48 hour) period or

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

932.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

Lactation Break Policy

935.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

935.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

935.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

935.4 PRIVATE LOCATION

The department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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Lactation Break Policy

935.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such and shall remove it when the employee ends her shift.

Overtime Compensation Requests

938.1 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.

938.1.1 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.

938.2 REQUEST FOR OVERTIME PAYMENT FORMS

Employees shall submit all overtime payment request forms for verification by their immediate supervisor and then forward them to Administration without delay. Failure to submit a request for overtime payment in a timely manner may delay compensation.

938.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor.

938.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before recommending the request and forwarding the request to the designated manager for final approval.

938.2.3 MANAGEMENT RESPONSIBILITY

The designated manager, after approving payment, will then forward the form to Management Services for processing.

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Overtime Compensation Requests

938.3 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. The employee will record the actual time worked on the overtime form.

When accounting for portions of an hour, time reported will be recorded on the overtime form in actual minutes worked.

938.3.1 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 employee, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Outside Employment

940.1 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.

940.1.1 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.

940.2 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 memorandum detailing who the prospective employer is, what the job duties will consist of, and how many hours per week will be worked. This memo shall be submitted to the employee's immediate supervisor. The memo will then be forwarded through the chain of command to the Sheriff for consideration.

The Administration will notify the employee of approval or denial of the request along with any potential restrictions on the outside employment.

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)).

940.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's request for outside employment 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.

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).

940.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment 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. That revocation will stand until the employee's performance
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Outside Employment

has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment

- (b) Suspension or revocation of a previously approved outside employment may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of valid outside employment, 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 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

940.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the department expressly reserves the right to deny any outside employment request 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

940.3.1 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

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desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the department.

These requests shall be submitted to the County Board of Supervisors for approval.

940.3.2 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.

940.3.3 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.

940.4 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.

940.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the department becomes concerned that a conflict of interest exists based on a financial reason, the department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c) of this policy.

940.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her approved outside employment, the employee shall promptly submit written notification of such termination to the Sheriff through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any

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approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

940.6 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, a notice of revocation of the member's permission to work will be forwarded to the involved employee.

Criteria for revoking the outside employment include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the San Joaquin 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

942.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

942.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease or psychiatric injury arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

942.2 POLICY

The San Joaquin 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.).

942.3 RESPONSIBILITIES

942.3.1 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).

942.3.2 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.

942.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Captain 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 Professional Standards Division Captain 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

942.3.4 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 department shall be filed in the member's confidential medical file.

942.4 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 Professional Standards 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.

942.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

942.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Sheriff. The purpose of such notice to permit the County to determine whether or not the offered settlement will affect any claim the County may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the County's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

942.5 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.

942.5.1 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

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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

944.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other personnel of the department, personnel shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

944.1.1 PERSONAL HYGIENE

Personnel shall maintain their personal hygiene so as to avoid having bodily odors that are offensive to others.

944.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all personnel, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

944.2.1 HAIR

Hairstyles of all personnel shall be neat in appearance and are prohibited from using colors that detract from a professional appearance. If personnel use dyes, tints, or bleaches, they must choose a natural hair color. For male uniformed personnel, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female uniformed personnel, when worn up in a tightly wrapped braid or ponytail hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, if hair is not worn up length of hair must not extend below the bottom edge of the uniform collar while assuming a normal stance.

944.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend beyond one quarter inch below or one half inch beyond the corners of the mouth or cover the upper lip.

944.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

944.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his or her designee.

944.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

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Personal Appearance Standards

944.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by uniformed personnel 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.

Post earrings may be worn by uniformed personnel, detectives or special assignment personnel without permission of the Sheriff or their designee. One earring must be worn in each ear. Only one ring may be worn on each hand of the employee while on-duty.

944.3 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.

944.4 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.

944.5 APPEARANCE EXCEPTIONS

Exemptions may be granted by the Sheriff or designee for articles of faith that are a required part of a recognized religious organization, such as turbans (black in color only), jewelry and well kempt facial hair (no longer than one inch).

No exemptions will be granted for Kirpans.

Uniform Regulations

946.1 PURPOSE AND SCOPE

The uniform policy of the San Joaquin County Sheriff's Office is established to ensure that uniformed personnel will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 924 - Body Armor

Section 944 - Personal Appearance Standards

946.2 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 uniformed personnel of this department shall possess and maintain (available at their assigned duty facility) 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) Mirrored sunglasses will not be worn with any Agency uniform.
 - (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or his designee.
-

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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
4. One (1) earring in each ear

946.2.1 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 Captain.

946.3 UNIFORM CLASSES

946.3.1 CLASS A UNIFORM

The class "A" or dress uniform consists of the following articles of uniform wear with attachments as indicated:

- (a) A black campaign hat with yellow tassels.
- (b) Long Sleeve Uniform Shirt with rank insignia on the collars.
- (c) Tie-solid black "CHP" style, four in hand.
- (d) Tie bar/Tac - gold tone plain bar.
- (e) Uniform Trousers with department braid.
- (f) Trouser Belt - 1.5" black basket weave, gold tone buckle.
- (g) Foot Wear - highly polished black boots or shoes with black socks.
- (h) Dress jacket - "SHERIFF" emblems affixed to lapels, nametag, appropriate rank insignia, service stars, and badge.

Each Captain shall conduct an annual Class "A" uniform inspection of all sworn officers and correctional officers within their division. Inspections shall occur during the month of April each year.

See attachment: [946_jacket.pdf](#)

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946.3.2 CLASS B UNIFORM

The Class B uniform will consist of:

- (a) Long sleeve or short sleeve uniform shirt with name tag, shoulder patches, military creases, service stars, applicable unit insignias, and metallic or cloth emblems denoting specific status within the departmental rank structure.
- (b) Uniform trousers - black in color, 55% polyester/45% wool blend, 75% polyester/25% wool blend, or 100% polyester, to be worn without department braid, creases pressed.
- (c) Trouser belt - 1.5" black basket weave, gold tone buckle.
- (d) Foot wear - highly polished black boots with black socks. Polishable black shoes may be worn when on assignment at Sheriff's Office facilities.
- (e) Optional black turtleneck shirt or mock turtleneck shall be worn with long sleeve uniform shirt only. No long sleeve undershirt will be allowed to be worn with a short sleeve uniform shirt.
- (f) Boots with pointed toes are not permitted

Duty Jacket - The authorized duty jackets to be worn while in uniform (Class B and Class C) are the following:

- First Tactical Tactix System Parka, black in color: men's cut item #118500/women's cut item #128500
- Flying Cross Dutyguard ST 56100, black in color.
- 5.11 Double Duty Jacket item number 48096, black in color.
- United Uniforms Duty Jacket Outer Shell item number 5257, black in color.
- United Uniforms Duty Jacket Softshell Liner item # 5357, black in color.
- Sheriff's Office patch affixed to each sleeve 1 1/2" down from the shoulder seam. Appropriate rank insignia to be placed on sleeve or shoulder, and the appropriate number of service stars on the left sleeve 3" above the cuff edge. Evidence Technicians shall have "EVIDENCE" patch or embroidery across the back of duty jacket.

946.3.3 CLASS C UNIFORM

There will be three options to the Class C uniform. While wearing the Class C uniform, both the pants and shirt shall be of the same make and model. Each option will be black in color.

The Class C uniform will consist of:

- (a) Long sleeve or short sleeve uniform shirt with name tape, embroidered name or name plate, shoulder patches, service stars, applicable unit insignias, and metallic or cloth emblems denoting specific status within the departmental rank structure.
 - First Tactical V2 short sleeve shirt: men's item # 112007/women's item # 122007
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- First Tactical V2 long sleeve shirt: men's item # 111006/women's item # 121006
 - Flying Cross FX Class B short sleeve shirt: men's item # FX5100/women's item # FX5100W.
 - Flying Cross FX Class B long sleeve shirt: men's item # FX5120/women's item # FX5120W.
 - 5.11 PDU Stryke Series short sleeve shirt: men's item # 71038/women's item # 61018
 - 5.11 PDU Stryke Series long sleeve shirt: men's item # 72074/women's item # 62010
- (b) Uniform trousers -
- First Tactical V2 pant: men's item # 114011/women's item # 124011
 - Flying Cross FX Class B pant: men's item # FX57300/women's item # FX57300W
 - 5.11 PDU Stryke Series pant: men's item # 74427/women's item # 64402
- (c) Trouser belt - 1.5" black belt in serviceable condition
- (d) Footwear – black boots must be worn in professional, serviceable, and clean condition. Polishable black shoes may be worn when on assignment at Sheriff's Office facilities.
- (e) Optional black turtleneck shirt or mock turtleneck shall be worn with long sleeve uniform shirt only. No long sleeve undershirt will be allowed to be worn with a short sleeve uniform shirt.
- (f) Boots with pointed toes are not permitted

Duty Jacket -The authorized duty jackets to be worn while in uniform (Class B and Class C) are the following:

- First Tactical Tactix System Parka, black in color: men's cut item #118500/women's cut item #128500
- Flying Cross Dutyguard ST item #56100 black in color.
- 5.11 Double Duty Jacket item number 48096, black in color.
- United Uniforms Duty Jacket Outer Shell item number 5257, black in color.
- United Uniforms Duty Jacket Softshell Liner item # 5357, black in color.

Sheriff's Office patch affixed to each sleeve 1 1/2" down from the shoulder seam. Appropriate rank insignia to be placed on sleeve or shoulder, and the appropriate number of service stars on the left sleeve 3" above the cuff edge. Evidence Technicians shall have "EVIDENCE" patch or embroidery across the back of duty jacket.

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Each shirt shall include name plate, name tape, or name embroidered on right chest in ½ inch lettering. Department badge or authorized embroidered 3" Sheriff's Office badge on the left chest, shoulder patches, rank insignia displayed, and service stars on long sleeve shirts. Embroidery of the badge or the patch badge shall be handled through Crescent Uniforms, Webber Point Uniforms, Code 3 Wear, or Stan's Image uniforms.

A Class C uniform will not be worn to ceremonies or special events; which will require a Class B or above as designated by the Division Captain.

946.3.4 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by personnel in specialized units such as SWAT, CERT, Bicycle Patrol, Evidence Room, Motor deputies, boating safety, and other specialized assignments.

Canine teams will need to conform to Class C uniform requirements.

Uniformed personnel not of the Deputy Sheriff or Correctional Officer rank shall only wear:

(a) Dark grey authorized polo shirt with subdued black star embroidered on the left chest with job classification title below the star in ½ inch lettering, and name on the right chest in ½ inch lettering.

- First Tactical Performance Polo - short sleeve: men's item #112509/women's item # 122509
- First Tactical Performance Polo - long sleeve: men's item #111503/women's item # 121503
- 5.11 Performance Polo - short sleeve: men's item #71049/women's item #61165
- 5.11 Performance Polo - long sleeve: men's item #72049/no women's item #

(b) Uniform trouser black in color:

- First Tactical V2 pant: men's item # 114011/women's item # 124011
- Flying Cross FX Class B pant: men's item # FX57300/women's item # FX57300W
- 5.11 PDU Stryke Series pant: men's item # 74427/women's item # 64402

946.3.5 FOUL WEATHER GEAR

The Patrol Administrative Lieutenant or designee will provide approved Department issued rain gear. All optional rain gear will have shoulder patches. Issued badge or embroidered Sheriff's Office badge may be worn.

946.3.6 TRAINING ATTIRE

While attending training, ALL uniformed personnel shall wear a department approved black polo style collared shirt with khaki colored pants (cargo style optional). The shirt shall have a department approved embroidered badge on the left chest facilitated by Crescent Uniforms, Code 3 Wear, Webber Point Uniforms, or Stan's Image Uniforms and employee name on right chest in ½ inch lettering.

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Authorized polo shirts:

- First Tactical Performance Polo – short sleeve: men's item #112509 /women's item # 122509
- First Tactical Performance Polo – long sleeve: men's item #111503/ women's item #121503
- 5.11 Performance Polo – short sleeve: men's item #71049/women's item #61165
- 5.11 Performance Polo – long sleeve: men's item #72049/no women's item #
- Vertex Coldblack Performance polo – short sleeve: men's item # VTX4000P/ women's item # VTX4010P
- Vertex Coldblack Performance polo – long sleeve: men's item # VTX4020P/ women's item # VTX4030P

A standard Class B uniform may be worn to department training in lieu of the training uniform. Alternate training attire may be worn when approved through the Professional Standards Division.

Authorized training jackets:

In addition to department approved duty jackets, the Flying Cross Dutyguard HT 57100 jacket may be worn during department approved training, with Sheriff's Office badge embroidered at left chest and name embroidered on right chest in ½ inch lettering.

946.3.7 LOAD BEARING VEST

A department approved load bearing vest will be an option while wearing either the Class B or Class C uniform for all sworn personnel, Custody, and Evidence Technicians. All embroidery on the Evidence Technician's vests will be subdued grey. Evidence technicians will still be required to wear their polo uniform shirts, without shoulder patches.

While wearing the load bearing vest, a department approved polo or hybrid uniform shirt can be worn with Class C pant. Department patches must be on the both shoulders when an approved polo or hybrid uniform shirt is worn (Investigations personnel is exempt from this requirement). Neither the department approved polo, nor the hybrid shirt may be worn as a uniform shirt without wearing the load bearing vest.

The vest shall include a Sheriff's Office patch badge facilitated by Crescent Uniforms, Code 3 Wear, Webber Point Uniforms, or Stan's Image Uniforms on the left chest, and employee name either embroidered or sewn on name tape in ½" yellow lettering. "Sheriff" will be embroidered or sewn on via name plate on the back of the vest in 6" yellow lettering. Evidence Technicians vests will have an "EVIDENCE" patch across the back of the vest in 6" gray lettering. Metal rank insignia will be affixed to the shoulders of the vest for the rank of lieutenant and above. If choosing to wear the load bearing vest as an option, it shall be worn at all times when on duty when outside the Sheriff's Office facility and while in areas of public view or interaction in the facility.

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All issued equipment must be worn while wearing the load bearing vest. While wearing the load bearing vest, the department issued firearm shall remain on the deputy's duty belt. Firearm magazines and Taser may be worn on either the vest or duty belt. The Taser must continue to be worn on the opposite side of the body from the issued firearm. All other required equipment shall be carried on the load bearing vest; however no firearms are authorized to be carried in or on the load bearing vest.

Authorized load bearing vest options:

BPS Patrol Style Vest, black in color.

Authorized polo shirts – same as listed in Training Attire

Authorized Hybrid Uniform Shirts-

- Frist Tactical Men's Performance Hybrid short sleeve shirt item # 112012
- First Tactical Women's performance Hybrid short sleeve shirt item #122012
- First Tactical Men's Performance Hybrid long sleeve shirt item # 111015
- First Tactical Women's Performance Hybrid long sleeve shirt item # 121015
- Flying Cross Class B Style black hybrid short sleeve item # FX5000VS
- Flying Cross Class B Style black hybrid long sleeve shirt item #FX5020VS

946.3.8 AUTHORIZED HEADWEAR

A baseball style hat may be worn with either a Class B or Class C uniform. The hat must be black in color, have a traditional brim, and must have the word "SHERIFF" embroidered across the front of the hat in 1" lettering. The hat must be worn forward facing only.

A beanie may be worn with either the Class B or Class C uniform between sunset and sunrise, or as authorized by a supervisor due to inclement weather. The beanie must be black in color with the word "SHERIFF" embroidered on the front of the cap.

946.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
 - (b) Service stars - Service stars are worn on all long sleeved shirts and jackets. They are to be machine stitched onto the uniform 3" above the cuff edge.
 - (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's last name.
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Employees may elect to also use their first initial or first and middle initials. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Sheriff.
- (f) Flag Pin - A flag pin may be worn as designated by the Sheriff.
- (g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

See attachment: [946_shirt.pdf](#)

See attachment: [Uniform Sleeve.jpg](#)

946.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) A deputy or correctional officer of this department: From the time of death until midnight on the 14th day after the death.
- (b) A peace officer within the state of California: From the time of death until midnight on the day of the funeral.
- (c) During California Peace Officer's Memorial Week.
- (d) During National Peace Officers Memorial Week.
- (e) As directed by the Sheriff.

946.5 CIVILIAN ATTIRE

There are assignments within the department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
 - (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
 - (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
-

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- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone
 - 2. Open toed sandals or thongs
 - 3. Swimsuit, tube tops, or halter-tops
 - 4. Spandex type pants or see-through clothing
 - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the San Joaquin County Sheriff's Office or the morale of the employees.

946.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, San Joaquin 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 San Joaquin 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.

946.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the 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.
-

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2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

946.7.1 RETIREE BADGES

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the San Joaquin 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 shall be affixed to a plaque. Both the badge and plaque are to be purchased by the retired officer at his / her own cost. The retiree shall notice the Office within 30 days before retirement day of the intention to purchase the badge. The badge will be turned in to be placed on the plaque. The plaque will contain the retired officer's name, position, date of hire and retirement and the words "San Joaquin County Sheriff's Office" and may include the words "Honorably Retired." A retiree shall be instructed that any such badge will remain the property of the San Joaquin County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

946.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

San Joaquin County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

San Joaquin County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

946.8.1 OFFICER EMERGENCY PREPAREDNESS

All sworn officers of this department shall maintain a uniform and safety equipment at their duty assignment location for rapid mobilization in the event of natural disaster, civil disturbance, mutual aid, or other emergency.

A uniform (Class B or Class C), duty gear, duty weapon, and assigned safety equipment shall be maintained in an assigned locker nearest the officer's duty station.

946.8.2 ID OF EMPLOYEES

All employees who enter the Administration Building while not in uniform SHALL identify themselves by visibly displaying their department identification card.

- (a) All employees who enter the Administration Building must be readily identified as an employee. This can be done in one of the following ways:
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1. The employee must be in a San Joaquin County Sheriff's Office uniform complete with official shoulder patches, or
 2. The employee must visibly display their San Joaquin County Sheriff's Office official identification card or badge.
 - (a) The identification card or badge must be worn on the outside of clothing and be readily seen.
 - (b) Each employee will be issued a plastic carrying envelope with a clip attached to facilitate compliance with this procedure.
 - (b) Identification cards are issued and/or replaced by Sheriff's Administration.
-

Facility Visitors

947.1 PURPOSE AND SCOPE

All visitors to the Sheriff's Operations Center shall enter and exit through the main front doors of the building. Visitors will either follow the signs to the area they are visiting or seek directions from the information desk when it is staffed. Visitors wishing to go to areas past the information desk must sign in and be issued a visitor's pass. Upon completion of the visit, the visitor must surrender the visitor's pass at the information desk.

Visitors not in uniform nor displaying departmental ID and allowed in the secure areas of the building shall be issued a dated visitor's pass by the employee authorizing the access.

Only those persons with business in the Operations Center should be in the building. Loitering will not be permitted.

947.2 PROCEDURE

Once inside the building, visitors shall proceed directly to the reception area of the division they have business with.

- (a) The receptionist will inform the employee the visitor needs to see.
- (b) The visitor will either be escorted by the employee or the employee will go to the reception area and meet the visitor.
- (c) Once business has been completed, the employee shall escort the visitor back to the reception area. If the visitor has no further business in the building, they shall exit through the main front doors.
- (d) If the visitor has business with another division, they shall be directed as to how to get to that location where they will check in with that receptionist.
- (e) Civilian visitors SHALL NOT be allowed to go to anywhere beyond the receptionist areas unescorted.

Officers from other agencies and any other official visitors to the Sheriff's Operations Center shall report to the reception area of the division they desire to visit and shall not be permitted beyond the reception area without an escort.

Sheriff's Cadets

948.1 PURPOSE AND SCOPE

Cadets 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.

948.2 EDUCATION REQUIREMENTS

Cadets are required to be currently enrolled in an accredited two (2) year community college or four (4) year college or university. They must maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken.

948.3 PROGRAM COORDINATOR

The Sergeant of Professional Standards Division will serve as the Program Coordinator. The coordinator will be responsible for tracking the educational and job performance of cadets as well as coordinating their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments.

948.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual staff members to serve as advisors for the Cadet Program. These advisors will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

948.4 ORIENTATION AND TRAINING

Newly hired cadets 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 Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to assist cadets to successfully prepare to pursue a law enforcement career. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

948.5 CADET UNIFORMS

Each cadet will be responsible for the purchase and maintenance of two uniforms meeting the specifications described in the Uniform Manual for civilian employees. The Sheriff's Office will issue safety equipment appropriate to the cadet's assignment.

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948.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Lieutenant of Professional Standards.

In general, cadets with greater job experience will be assigned to positions requiring more technical skill or responsibility, as well as serve to train cadets for new assignments or those newly hired.

948.7 RIDE-ALONG PROCEDURES

All cadets 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.

Nepotism and Conflicting Relationships

950.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between members of this department.

950.1.1 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.

950.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply (Government Code § 12940(a)):

- (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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Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving 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 as it may deem necessary 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, FTO's and other trainers will not be assigned to train relatives. FTO's 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) In order 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(s) who they know or reasonably should know are under criminal investigation, convicted felons, parolees, fugitives, registered sex offenders, or who engage in serious violations of state or federal laws.

950.2.1 EMPLOYEES 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, employees shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances which would require the employee to take enforcement action or provide other official information or services to any relative or other individual(s) 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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950.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of or becoming aware of any circumstance(s) which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to 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

952.1 PURPOSE AND SCOPE

The San Joaquin County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the San Joaquin County Sheriff's Office are property of the department and their use shall be restricted as set forth in this policy.

952.2 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.

Officers may purchase authorized badges for duty wear with authorization from the Sheriff.

952.2.1 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 San Joaquin County Sheriff's Office with the written approval of the Sheriff.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.
- (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.

952.2.2 CIVILIAN 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.
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Department Badges

952.2.3 UNIFORM BADGE PURCHASE

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the San Joaquin County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code §25455 and reference in the Retired Deputy CCW Endorsement Policy in this manual.

The Sheriff's Office appreciates and recognizes all staff that serves the Office and honorably retires from service. However, this section applies only to personnel that have been issued a badge. A badge purchased by a retired employee will be placed on a plaque which will contain the employee's name, rank, date of service at the Office showing the hire and retire dates with the words "San Joaquin County Sheriff's Office" and "Honorably Retired." The employee, at his or her own cost, will reimburse the Office for the cost of the badge and pay for the cost of the plaque. Under no circumstance will a retired employee be authorized to purchase an Office issued badge without placement on a plaque.

Any personnel that have been issued a badge may be eligible to purchase their issued badge prior to retirement. In order to be eligible, the employee must retire in good standing, and notice the Office no less than 30 days prior to retirement of the intention to purchase the badge. The employee, at his or her own cost will reimburse the Office for the cost of the badge.

Any staff promoting to a position of rank may be eligible to purchase the badge issued to them at the previous rank. The employee shall notify the Office no less than 14 days after promotion of the desire to purchase the badge. The purchase will be handled in same manner as stated above with the employee responsible for the cost of the badge.

Any employee purchasing an Office issued badge will be required to sign and date the following declaration that will be placed into the employee's personnel file.

"I acknowledge and understand that it is a violation of state and federal law to use the badge(s) I am receiving for the purpose of impersonating a peace officer or public officer, to arrest, detain, threaten to arrest or detain, intimidate any person, search any person or their property, or for the purposes of obtaining money, property, or other thing of value."

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Department Badges

952.3 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 civilian 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.

952.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the San Joaquin 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.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

Modified Duty Assignments

954.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Sheriff or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the department with a productive employee during the interim period.

The department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

954.2 POLICY

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

954.3 GENERAL CONSIDERATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

- (a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
 - (b) The lack of department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.
 - (c) The department may place conditions as deemed appropriate upon any modified-duty assignment.
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Modified Duty Assignments

954.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division Captain or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Captain will determine what modified-duty assignments may be available based on the needs of the department, limitations of the employee and suitability of the employee to work a particular assignment. Assignments are subject to the approval of the Sheriff or his/her designee.

954.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

954.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
 - (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 90 days while the employee is on modified duty.
 - (c) Supervisors shall keep the Division Captain apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 90 days will require a written status report and a request for an extension to the Division Captain with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff or his designee.
 - (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Captain and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.
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Modified Duty Assignments

954.4.3 MEDICAL EXAMINATIONS

The department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

954.5 ACCOUNTABILITY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e (k)). It is the policy of the Office to reassign employees who are pregnant upon request by the employee to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities. Temporary modified positions will not be created by the Office to accommodate the pregnant employee.

954.5.1 EMPLOYEE RESPONSIBILITIES

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

954.5.2 SUPERVISOR RESPONSIBILITIES

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the County's Personnel Rules and Regulations regarding family and medical care leave.

954.6 PREGNANCY

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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Modified Duty Assignments

954.6.1 MEDICAL CLEARANCE NOTIFICATION

Employees injured on the job who are cleared by their doctor for limited duty are subject to having authorized worker's compensation benefits terminated should they not report their status to the department.

When the employee is able to return to full duty, it is the employee's responsibility to have their doctor complete the San Joaquin County Form DMP-1, Doctor's Physical Restriction Form and turn it in to their supervisor immediately.

The form will include the actual date cleared to return to full duty and must clearly state there are no medical restrictions. The employee must submit the form to their Division Captain via the supervisory chain of command. Clearance from the Division Captain or his/her representative must be obtained prior to actually returning to work at full duty.

It is the employee's responsibility to notify their Sheriff's Department supervisor of their health or working status. Employees should not assume that Worker's Compensation representatives or San Joaquin County Risk Management staff will notify the Sheriff's Office of changes in their health or working status.

Employee Speech, Expression and Social Networking

958.1 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 legitimate needs of the department.

Nothing in this policy is intended to prohibit or infringe upon any employee's communication, speech or expression that has been clearly established as protected or privileged.

958.1.1 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.

958.2 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 department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the San Joaquin County Sheriff's Office will carefully balance the individual employee's rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

958.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the San Joaquin 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 or privacy of any employee, an employee's family or associates.

958.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following is prohibited:

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- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the San Joaquin County Sheriff's Office or its employees.
- (b) Speech or expression that could reasonably be foreseen as creating a negative impact on the credibility of the employee as a witness.
- (c) Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of the employees of the department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (d) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the department for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or his/her designee (Penal Code § 146g).
- (e) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department owned, for personal purposes while on-duty, except in the following circumstances:
 - (a) 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks, however, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

958.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, employees may not represent the San Joaquin County Sheriff's Office in order to do any of the following:

- (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.

Except as otherwise provided by law, or whenever on duty or in uniform, no public safety officer shall be prohibited from engaging, or be coerced or required to engage, in political activity.

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Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through some unofficial group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the San Joaquin County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice, and to express their opinions 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).

958.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook, MySpace).

The department also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

All messages, pictures and attachments transmitted, accessed or received over department networks are considered department records and, therefore, are the property of the department. The department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any department system or device, or any such information placed into any department storage area or device.

958.6 TRAINING

Subject to available resources, the department should provide training regarding employee speech and the use of social networking to all members of the department.

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Prison Rape Elimination

1000.1 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 detainees or prisoners in the San Joaquin County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

1000.1.1 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 detainee, prisoner, or resident:

- 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
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duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

- 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 his/her uncovered genitalia, buttocks, or breast in the presence of a detainee, prisoner, or resident
- 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 one detainee, prisoner, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner, or resident 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).

1000.2 POLICY

The San Joaquin County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The San Joaquin County Sheriff's Office will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

1000.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards in the San Joaquin 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 detainees or prisoners 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 detainees and prisoners from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons
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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 detainees and prisoners (28 CFR 115.151).
 - (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department 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 permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.
 - (g) Ensuring that detainees and prisoners 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 detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment, or retaliation.
 - (h) Publishing on the department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR 115.154).
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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- ① 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 detainees or prisoners 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 inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

1000.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Detainees or prisoners 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 detainees or prisoners 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

During intake the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

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1000.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from detainees, prisoners 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:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department 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.

1000.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee or prisoner 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 detainee or prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

1000.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

1000.5.1 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.
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1000.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

[REDACTED]

- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the San Joaquin 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 a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

1000.5.3 ADMINISTRATIVE INVESTIGATIONS

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Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

1000.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee or prisoner 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)).

Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

1000.5.5 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 County Administrator shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department 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 detainees or prisoners 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 detainees or prisoners by a contractor or volunteer.

1000.6 RETALIATION PROHIBITED

All detainees, prisoners 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.

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The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners 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 detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

1000.7 REVIEWS AND AUDITS

1000.7.1 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).

1000.7.2 DATA REVIEWS

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The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the Department's progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from San Joaquin County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department 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).

1000.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, 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).

1000.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Captain of Professional Standards shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

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- The Department's zero-tolerance policy and the right of detainees and prisoners 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 detainees and prisoners are most vulnerable.
- The right of detainees, prisoners 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 detainees and prisoners.
- 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.

The Captain of Professional Standards 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 employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.
