

FIELD OPERATIONS MANUAL

TABLE OF CONTENTS

Policy 1. Use of Discretion

Policy 2. Patrol Functions

Policy 3. Patrol Strategies & Information-Led Policing

Policy 4. Shift Preparation & Briefings

Policy 5. Patrol Station Administration & Operation

Policy 6. Vehicle Check-out & Equipment

Policy 7. Use of Child Passenger Safety Restraint Seat

Policy 8. Portable Rapid Development Inventory

Policy 9. Gunshot / Knife Wound Mandated Reports

Policy 10. Concurrent Jurisdictions

Policy 11. Industrial Accidents

Policy 12. U.S. Department of Energy Convoys

Policy 13. Disturbance Abatement (Service Fee) Ordinance

Policy 14. Deputy's CAD Report Instructions

Policy 15. California Senate Bill 54 – California Values Act

Policy 16. Field Operational Order Format

Policy 17. Bank Robbery Procedures

Policy 18. Hate Crimes

Policy 19. Emergency Euthanasia of Injured Animals

Policy 20. Communications Center Radio Failure

Policy 21. Training for Patrol Deputies

Policy 22. Marijuana Citation Program

Policy 23. Psychiatric Emergency Response Team (PERT)

FIELD OPERATIONS MANUAL

TABLE OF CONTENTS

Policy 24. Patrol Station Temporary Holding Facilities

Policy 25. Prisoner Transportation

Policy 26. Reserve Resources

Policy 27. Emergency Vehicle Operation

Policy 28. Found Hazardous Materials

Policy 29. Safety Belts

Policy 30. Community Oriented Policing & Problem Solving

Policy 31. Minimum Requirements for Patrol & Field Training Officers

Policy 32. Labor Management Disputes

Policy 33. Domestic Violence

Policy 34. Inventory & Storage of Suspect's Vehicle(s)

Policy 35. Bicycle Patrols

Policy 36. Crime Lab Callout Protocol

Policy 37. Identities of Sex Crime Victims

Policy 38. Use of Mobile Data Computers

Policy 39. ~~Global Positioning Satellite Bait Vehicle Program~~ Deleted February 2024

Policy 40. Latent Fingerprints

Policy 41. Found Military Ordnance

Policy 42. Inebriate Reception Center (Per Penal Code (647(f)))

Policy 43. Operating Procedures for Department Mobile Command Vehicles

Policy 44. Elder Abuse and Response

Policy 45. Body Worn Camera

Policy 46. DNA Collection

Policy 47. Family Liaison Protocols

FIELD OPERATIONS MANUAL

TABLE OF CONTENTS

Policy 48. Do Not Board

Policy 49. Cell Phone Pings

Policy 50. Racial Identity Profiling Act (RIPA) Stops and Data

Policy 51. Gun Violence Restraining Orders

POLICY 1. USE OF DISCRETION

- A. When deputies are faced with a situation where discretion can be exercised, they must evaluate the circumstances, consider the available resources, and rely on their training, Sheriff's Office policies and procedures, statutory law, information-led policing, and supervision in making the appropriate decision.
- B. In addition, within each situation, the appropriate decision should ensure the following:
 - 1. Accomplishes the intent of the law
 - 2. Complies with the Sheriff's Office policy
 - 3. Does not compromise deputies' safety
- C. The limits of discretion for deputies is defined by:
 - 1. Various federal and state statutes
 - 2. Case law
 - 3. Sheriff's Office policy
 - 4. The rank and responsibility held by the deputy

POLICY 2. PATROL FUNCTIONS

- A. The Sheriff's Office Law Enforcement Operations Bureau is responsible for providing all patrol and area investigative services within the Sheriff's jurisdiction and utilizing information-led policing problem solving techniques in support of the mission, vision, values, and goals of the Office.
- B. The patrol component of the Law Enforcement Operations Bureau includes the following duties:
 - 1. Crime suppression/prevention
 - 2. Criminal identification, information-led policing and apprehension of suspects
 - 3. Response to emergencies, major incidents and disasters
 - 4. Response to routine law enforcement calls for service and initiation of preliminary investigations
 - 5. High visibility directed patrols that emphasize judicious use of citizen contacts, vehicle and pedestrian stops in the identified geographic problem areas
 - 6. Maintain active working relationships with our criminal analysts and investigators
 - 7. Coordination and cooperation in the exchange of case and criminal information by utilizing multijurisdictional resources; such as the web-based SDLAW, graffiti tracker and ARJIS, sharing the information with our allied criminal justice agencies
 - 8. Community relations

POLICY 3. PATROL STRATEGIES & INFORMATION-LED POLICING

- A. Deputies shall be aware of the various patrol strategies available to them and employ information-led policing strategies when applicable.
- B. The most common types of patrol strategies include:
 - 1. Information-led policing - Deputies will consult crime analysts at their stations for a strategic data driven overview of crime problems in their jurisdictional areas to better allocate resources to the most important crime priorities. Deputies will also collaborate with analysts and station investigative units to identify emerging crime trends and target prolific offenders.
 - 2. Directed Patrol - Patrols are directed to crime or traffic-prone locations at peak incident times. Directed patrol is usually deployed as the result of crime analysis in which specific trends, locations, or prolific offenders have been identified.
 - 3. Foot/Bike Patrol - Deputies park their patrol cars and bike or walk in a neighborhood or business area to facilitate personal contact between deputies and residents or business owners.
 - 4. Community Oriented Policing – Deputies emphasize problem diagnosis and long-term solutions rather than reactive, incident-based response. This strategy involves collaboration between deputies and the community in a particular area or beat and encourages constructive dialogue with residents of that community to resolve both legal and social concerns.
 - 5. Check Points – Deputies conduct traffic safety-oriented operations that target persons with unsafe vehicles or persons driving under the influence.

POLICY 4. SHIFT PREPARATION & BRIEFINGS

- A. At the start of each shift, the on-duty supervisor shall brief the on-coming duty supervisor and exchange information as set forth below. All information considered important enough to be passed on to the on-coming shift shall be written down and placed on the briefing board or uploaded to the station's eBriefing or to a centralized folder deemed appropriate by the facility commander and accessible to the sergeant or supervisor. This information should be retained for future reference for an amount of time deemed appropriate by the station's command. All briefings should be held in a team setting unless circumstances dictate otherwise.
- B. Daily patrol briefings shall, at a minimum, accomplish the following:
 - 1. Advising deputies of information regarding daily patrol activities, with particular attention given to unusual situations including any changes in the status of wanted persons, vehicles or major investigations, or other potential law enforcement hazard(s)
 - 2. Advising deputies of significant incidents that occurred in their area of responsibility during their days off
 - 3. Identifying problem areas based upon information-led policing, data gathered from crime analysis, including patrol logs, citizens and community groups. Discussions for this item should emphasize leveraging of COPPS techniques to resolve the problem areas
 - 4. Advising deputies of changes in schedules and/or assignments
 - 5. Advising deputies of new directives or changes in the Sheriff's Office policies and procedures
 - 6. Evaluation of each deputy's readiness to assume patrol
 - 7. Providing deputies with line-up training
- C. Following the daily patrol briefing, the on-duty supervisor will release the units so that they can assume their patrol responsibilities.

POLICY 5: PATROL STATION ADMINISTRATION & OPERATION

A. Identification

The authorized means of identification for the Sheriff's Office is as follows:

1. Law Enforcement Agency Uniform - The established authorized uniform of the Sheriff's Office as set forth in the Office P&P Section 3.12 or the authorized uniform of the respective external law enforcement agency represented. The uniforms of non-law enforcement organizations are not acceptable forms of identification.
2. Identification Card - The authorized identification card of the Sheriff's Office or the authorized identification card of the respective external agency, shall be worn at all times and made available upon request. The identification card shall be worn in a manner that is clearly visible. The display of a badge alone is not sufficient identification for individuals in civilian attire; proper display of a valid identification card is required for individuals in civilian attire.
3. Visitor's Pass - The authorized visitor's pass of the Sheriff's Office shall be issued for the purpose of temporary identification in the event none of the aforementioned means of identification are in possession. The visitor's pass shall be worn in a manner that is clearly visible.

The visitor's pass may be issued to a Sheriff's employee for the purpose of temporary identification in the event none of the authorized means of identification are in their possession or while Sheriff's Office identification is in the process of being issued. All personnel issued a visitor's pass shall be escorted during their visit.

NOTE: Individuals from organizations who service the Sheriff's Office such as, County maintenance, utility companies, vendors, etc. must display a valid identification card from their organization while within the Office's facilities if they possess one. The uniform of a non-law enforcement organization such as that of a vendor will not constitute valid identification in itself. In the event that an individual from an external organization does not have a valid identification card, a visitor's pass shall be issued. All individuals must be escorted while on or within the Sheriff's facility.

B. Visitor's Identification System

The Visitor's Identification System was established for the purpose of identifying visitors within Sheriff's Stations. The Visitor's Identification System consists of two basic components:

1. San Diego County Sheriff's Office Visitor's Log – Form AS 3/2.
2. Visitor's Pass Identification Cards Form AS 3/3.

C. Visitor's Identification System Procedure

1. Upon a visitor entering a Sheriff's Station, the receiving employee shall inquire as to the visitor's purpose. If entry onto the facilities is warranted, the receiving employee shall request identification from the visitor and ensure that the form of identification provided is authorized and valid. All visitors will be entered into the visitor's log.
2. If the authorized identification is the established uniform of an external law enforcement agency, the visitor will be allowed access to the facilities and guided escorted to the appropriate destination.
3. If the visitor is in civilian attire and presents only the uniform badge of an external law enforcement agency, the receiving employee shall request a valid identification card issued by the external law enforcement agency since the badge in and of itself does not constitute proper identification. If the visitor is unable to present a valid identification card issued by the external law enforcement agency, a visitor's pass will be issued to that individual.
4. If the visitor does not represent an external law enforcement agency and does not have proper and valid identification from his/her organization, the receiving employee shall log the date, time in, name of the visitor's organization, and purpose of the visit. The receiving employee shall log the visitor's pass control number and issue the pass to the visitor. The visitor shall be advised of the Sheriff's Office identification requirement, and the need to surrender the pass at the conclusion of his/her visit. In addition, all CLETS restrictions and considerations shall be addressed with the visitor and monitored in areas where CLETS information is available and or visible.
5. At the conclusion of the visit, the receiving employee shall collect the pass from the visitor and note in the Visitor's Log Book the time that the visitor surrendered the pass and exited the premises.
6. Completed Visitor's Log forms shall be maintained on file within the command for a minimum of 90 days from the last dated entry.

EXCEPTION: Routine services provided to the Sheriff's Office on a daily basis, such as maintenance personnel, are not required to be logged in

and out; however, they must display their valid, authorized identification (County I.D., etc.) visibly on their outer clothes while on the premises.

D. Firearm Security

1. No firearms will be left unattended or unsecured inside any Sheriff's station, substation or office.
2. The drawing, exhibiting, un-holstering, displaying, or dry snapping of any firearms by anyone within or around any Sheriff's station, or substation or office is strictly prohibited. Weapons will only be drawn for supervised firearms inspections, the cleaning of weapons in approved designated areas, and while exercising the WTU Red Dot DRAWS protocol.
3. Shotguns and rifles will be unloaded prior to entering any Sheriff's facility and will be carried and or stored with the breech open. The deputy's duty firearm, alternative duty and or hide out weapon may remain loaded and secured in their holster.

EXCEPTION: If the shotgun or rifle was used during an Officer Involved Shooting, that weapon shall not be unloaded or manipulated in any way other than to putting the weapon on safe while entering a Sheriff's facility. This rule also applies to the deputy's duty firearm, alternative duty and or hide out if used in an Officer Involved Shooting.

E. Facility Security

1. All personnel should consider security as a top priority. Be aware of who is at the counter and be prepared to assist the clerical staff if necessary. Whenever possible, a captain, lieutenant, or sergeant should be at the station during the hours the station is open to the public.
2. Station keys will not be duplicated by anyone. Station keys / pass cards will be issued on a "need to have" basis only. When the need for station keys or passes no longer exists, they will be turned in. Any requisitions for station keys will be cleared through the operations/administrative sergeant, station lieutenant or station commander. The loss of any station key / pass card will be reported immediately to the operations/administrative sergeant.
3. Station exterior doors will be closed and locked unless they are being visually monitored.
4. Arrested persons should be processed at facilities designated for prisoner processing, and should not be taken to specialized unit facilities without the approval of a supervisor.

F. Station Neatness

1. All station personnel shall be responsible for reasonable neatness and cleanliness of the station. When messes are made by prisoners and visitors, the deputy who has custody of them will see that the condition is cleaned up.
2. Various administrative items (e.g., office equipment, supplies, etc.) shall be returned to their original locations once deputies are done using them. This includes any Sheriff's Office forms taken by deputies that subsequently are not needed. This is to prevent the next person from having to search for what he/she needs and minimize waste.
3. Conference rooms shall be maintained and kept in a clean and orderly condition at all times. All personnel using conference rooms will be responsible for leaving them in a neat, clean, and orderly condition.
4. The station coffee facilities and refrigerator have been provided strictly for the convenience of station personnel. Soda cans will not be left on counter tops, desk tops, or tables. During non-office hours, patrol sergeants will be responsible for making sure the coffee pot is turned off when unattended.

G. Station Hours

1. Sheriff's Stations shall maintain the following office hours:
0800 to 1700 hours, weekdays
2. Office doors will be unlocked during office hours unless there are overriding issues that make this unsafe or impractical. The facility commander shall have the authority to determine whether such issues exist and act accordingly.
3. Office doors will be shut and locked at all other times. All personnel will use the keys/pass cards issued to them for entry and will leave doors locked.
4. All Sheriff's Office employees coming to the station during off-duty hours shall be suitably dressed. Acceptable attire for these situations is as defined by the Office's P&P 3.19 (Casual Friday Wear).

H. USE OF STATION FACILITIES/EQUIPMENT

1. Police, office and janitorial supplies shall be issued by sergeants or by authorized personnel only. No janitorial supplies or equipment will be removed from the station.

2. Personal lockers shall be kept orderly and shall be locked when not in use. Personal equipment left outside on top of lockers should be placed there in a neat and orderly manner without using old and worn cardboard boxes as containers.
3. The copy machine shall be used for official business only. Unauthorized use of the copy machine is not permitted.
4. Heater/air conditioner controls are automatic and should not be moved or readjusted.
5. Patrol vehicles shall be parked only in designated spaces in the station parking lot.
6. Personal vehicles shall not be parked in spaces reserved for Sheriff's vehicles.

POLICY 6. VEHICLE CHECK-OUT & EQUIPMENT

A. Patrol vehicle check-out and check-in

1. It is the responsibility of the deputy, prior to the start of shift, to check all routine lighting and emergency equipment on the patrol vehicle, including the siren, outside speaker, P.A. system, radio and spotlights. The deputy will conduct a security check of the interior of the vehicle, including under the driver's seat, under the rear prisoner seat and the trunk for any items of contraband, trash or weapons that may have been secreted by a suspect.
2. Prior to the start of any shift, deputies will inspect their patrol vehicles for proper equipment operation and/or damage. Deficiencies or damage will be immediately reported to the supervisor before leaving the station for patrol. This will prevent the current driver from being accountable for any damage incurred.
3. At the completion of the patrol duties, deputies must ensure that the vehicle is left properly serviced (e.g., gas, oil, other fluids, etc.) and ready for future use.

B. First aid supplies for patrol vehicles

1. The first aid items listed below have been approved for issuance in all patrol vehicles.

2	Adhesive tape 1"
1	Ammonia inhalant
2	Triangular bandages
2	Roller bandage (2" x 6 yds)
2	Plastic emergency blankets

2	Adhesive bandage 1"
6	Sanitary napkins (super)
6	Gauze pads (4" x 4") 12 ply
1	Pair scissors

C. Traffic investigation supplies for patrol vehicles

1. In addition to the aforementioned first aid articles, traffic investigator's vehicles shall also contain the following:

1	Roll-o-tape
1	Marking crayon
8	LED electronic "flares"

D. Patrol investigation supplies

1. In addition to the aforementioned first aid supplies, patrol vehicles shall also contain the following:

1	Shovel
1	100' rope
1	Fire extinguisher
1	Jack

1	Spare tire
2	Blankets
8	LED electronic "flares"
1	Axe

E. Operator's vehicle condition report

1. The Operator's Vehicle Condition Report (VEH-2) is to be submitted monthly. It is the responsibility of the deputy to whom Sheriff's Office equipment is assigned to see that the unit is maintained in safe operating condition and that the car is serviced at the proper time.

F. Mileage reports

1. In the event CAD is not operational for an extended period, the Motor Vehicle Daily Use Report (VEH-5) must be completed on a daily basis by the vehicle driver. Tours of duty or trips in any vehicle are to be logged immediately after returning to the station.

POLICY 7. USE OF CHILD PASSENGER SAFETY RESTRAINT SEAT

- A. Strict compliance with California Vehicle Code Section 27360 ("Child Passenger Restraints: Requirements") is mandatory.
- B. Each Sheriff's station, substation or office shall have at least one for deputies to use as needed.
- C. Each Sheriff's station, substation or office shall inspect their inventory of Child Passenger Safety Seat(s) annually. Each shall be determined to be in good working condition and within the expiration date listed on the device. If the device is no longer in good working order or has expired, it shall be replaced within a reasonable timeframe.

POLICY 8. PORTABLE RAPID DEPLOYMENT INVENTORY

A. Portable rapid deployment procedure

1. The station commander shall designate an employee to create and maintain an inventory of portable rapid deployment items for use during unusual incidents.
2. The inventoried items will be kept in a portable container that can be easily transported and can be efficiently delivered by patrol vehicles.
3. The following is a sample list of portable rapid deployment items:

Evidence tags w/wires	Notepads
Manila envelopes – various	Pens and pencils
Plastic & Paper bags - various	Clipboards
Masking/Painter's tape	Evidence tape
Sticky labels	AA & AAA & Gun light Batteries
Report forms	Charging cables
Intake slips	Flex-cuffs
Evidence tags (stickers)	First aid kit
DNA collection kits	Naloxone

POLICY 9. GUNSHOT / KNIFE WOUND MANDATED REPORTS

A. Legal requirements and reporting procedure

1. Whenever a health facility, health practitioner, or any other person reports to the Sheriff's Office (as mandated by Section 11160 of the Penal Code) a gunshot, knife wound or wound caused by any other deadly weapon (as mandated by Section 11160 of the Penal Code), the Sheriff's Office shall generate a report.
2. The report will be an ARJIS 2 (*Incident Report*) or ARJIS 9 (*Deputy's Report*), as appropriate. The report will be documented in NETRMS with the appropriate Penal Code section(s) explicitly identified (e.g., 245, 665-187). If no Penal Code applies, the Deputy's Report will be documented in NETRMS as appropriate.
3. Factors determining which report to complete will be:
 - a. Source of the injury (accidental, caused by another, and intent)
 - b. Severity of the injury

POLICY 10. CONCURRENT JURISDICTIONS

A. Deputies' responsibilities

1. When requested by the Sheriff's Office or another law enforcement agency to perform law enforcement functions in areas of concurrent jurisdiction, such as state or federal parks or banking institutions, deputies will conduct a proper preliminary investigation.
2. Deputies will submit appropriate reports as necessary, using NETRMS.
3. Where appropriate, deputies will complete a tactical plan and an SED checklist.
4. Deputies should attempt to notify the concurrent jurisdiction of their presence when feasible.

POLICY 11. INDUSTRIAL ACCIDENTS

A. Legal requirements

1. The Sheriff's Office is required by law to notify the Occupational Safety and Health Administration (OSHA) of any reported industrial accidents.

B. Procedure for deputies

1. When a deputy is dispatched to the scene of an industrial accident, the deputy shall first evaluate the situation.
2. If a death or serious injury has occurred at the scene of the industrial accident, the deputy will immediately notify OSHA by phone whenever possible. If no phone communication is available, notification will be made via the Communications Center. OSHA will make the decision whether or not their investigators should respond to the accident.
3. The reporting party shall include the following information, if available
 - a. Time and date of accident.
 - b. Employer's name, address and telephone number.
 - c. Name and job title, or badge number of person reporting the accident.
 - d. Address of site of accident or event.
 - e. Name of person to contact at site of accident.
 - f. Name and address of injured employee(s).
 - g. Nature of injury.
 - h. Location where injured employee(s) was (were) moved to.
 - i. List and identity of other law enforcement agencies present at the site of accident.
 - j. Description of accident and whether the accident scene or instrumentality has been altered.
4. In the event of a death, the deputy will conduct a death investigation.
5. Deputies are required to write a report only on an industrial accident when the victim has expired at the scene.

Reference: California Code of Regulatory Ordinances Title 8, Section 342 (b) and (c)

POLICY 12. U.S. DEPARTMENT OF ENERGY CONVOYS

A. Overview and background

1. The number of vehicles in a convoy varies depending on the size and material shipped. **GC 7922.000-Safety/Security Interest**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Normal enforcement stops

1. DOE convoys are not exempt from California Traffic Laws. DOE personnel are instructed to obey all traffic laws.

GC 7922.000-Safety/Security Interest

[REDACTED]

[REDACTED]

[REDACTED]

GC 7922.000-Safety/Security Interest

[Redacted]

C. DOE Convoy attacks

GC 7922.000-Safety/Security Interest

[Redacted]

GC 7922.000-Safety/Security Interest

D. Reporting requirements

GC 7922.000-Safety/Security Interest

E. Occurrence of Federal and/or State crimes

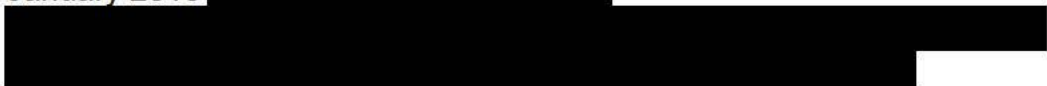
2. If Federal and State crimes occur at an incident with a DOE convoy, the deputy will prepare a report of the State violations and submit it through normal reporting channels. If the Federal agency wants a copy of a State violations report for its own investigation, the deputy will instruct the Federal agency to contact the area command the next business day.

POLICY 13. DISTURBANCE ABATEMENT RESPONSE (SERVICE FEE) ORDINANCE

A. Overview

1. This procedure provides guidance for the response, notification, reporting and collection of “loud party” disturbance-abatement fees in law enforcement contract cities adopting such ordinances. Disturbance-abatement ordinances require responsible person(s) for the disturbance to reimburse the city for all associated abatement costs.
2. All Sheriff’s stations having contract cities with disturbance-abatement ordinances shall develop internal procedures to track and forward Sheriff’s Office costs associated with handling loud parties. These ordinances are civil in nature and only provide for the Sheriff’s Office documentation of costs for reimbursement. For incidents occurring in unincorporated areas, reimbursement may be sought through the court process.

B. Procedure

1. Deputy’s responsibilities – “First Response”
 - a. Upon arrival at the scene, the responding deputy will assess the disturbance. For additional information on conducting noise disturbance investigations see the Loud Party Concerns Training Bulletin dated January 2010 GC 7929.210-Information Security Record

 - b. If the deputy determines immediate action is not necessary, the deputy may choose to issue the responsible person a *Notice of Disturbance Violation - First Response Warning (PAT 38)*, and provide the responsible person a copy of the form. A responsible person is a (in order of priority):
1) Property Owner, 2) Person in control of property, and/or 3) Host/Hostess of the gathering.
 - c. Although desirable, it is not a legal requirement for the responsible person to provide any information to complete the form, or to sign the warning. If the responsible person refuses to sign, the deputy will check the “Refused to Sign” box and give the responsible person a copy of the warning.
 - d. Once the *First Response Warning (PAT-38)* is completed, the deputy will advise the Communications Center that a written “First Response Warning” was issued to the responsible person.

- e. If there is no additional call for service to the disturbance location during the shift, the deputy will advise on-coming deputies of the *First Response Warning*.
 - f. The deputy will turn in the Sheriff's Office copy(s) of the *First Response Warning* to the appropriate supervisor.
2. Deputy's responsibilities – "Subsequent Response(s)"
- a. The deputy will locate the responsible person and may issue a *Notice of Disturbance Violation - Second Response Notice (PAT 38)*, providing the person with a copy of the form. As with the *First Response Warning*, although desirable, it is not a legal requirement for the responsible person to provide any information to complete the form, nor is their signature required for the civil collection of reimbursement costs. If the responsible person refuses to sign, the deputy will check the "Refused to Sign" box and give the responsible person a copy of the notice.
 - b. If there is probable cause to arrest for:
 - 1. Violation of Penal Code section 415(2) and the complainant has signed the proper form to make a citizen's arrest,

OR

 - 2. Violation of an applicable County or City noise abatement code with or without a signer, the deputy may arrest the responsible person. If an arrest is made, the deputy will either cite and release the responsible person or book him/her into jail per Detention Services Bureau protocol for misdemeanor arrests (Pursuant to P&P section 6.110).
 - c. As needed, deputies will request additional units to provide scene security or to disperse the gathering. Units that have responded to the scene should remain there until it is determined there is no longer a threat to the public peace, health, safety or general welfare.
 - d. The deputy will keep the supervisor apprised of action(s) taken to cite the responsible person and/or disperse the disturbance.
 - e. Upon return to service, the deputy will attach the Sheriff's Office copy of the *First Response Warning* to the Sheriff's Office copy of the *Second Response Notice* and give it to the appropriate supervisor.
3. Supervisor's responsibility
- a. Monitor the situation for any security concerns or threats to the public peace, health, safety or general welfare.

- b. Obtain from deputies the Sheriff's Office copies of issued *First Response Warning* and *Second Response Notice*.
 - c. Compute the total staff-hours spent responding to and remaining at the scene, for cost recovery or as prescribed by the contract city's ordinance.
 - d. Route the computed staff-hour totals and the Sheriff's Office copies of the *First Response Warning* and *Second Response Notice* to the administrative sergeant.
4. Administrative sergeant's responsibility
- a. Compute the city's cost of officer's time (current rate) plus any additional fees for equipment damage or personnel injury.
 - b. Forward any cost recovery documentation to the appropriate designated city official or District Attorney's Office (for incidents occurring in unincorporated areas).
 - c. Maintain the "Loud Party" disturbance-abatement (service fee) files and completed Notice of Disturbance Violation(s) for a minimum of two years or in accordance with Sheriff's Records and Retention Policy.

POLICY 14. DEPUTY'S CAD REPORT INSTRUCTIONS

A. Overview

1. Computer Aided Dispatch (CAD) documentation is among the most important set of records kept by the Sheriff's Office. CAD reporting is completed via the Mobile Data Computers (MDC), which captures information such as crime statistics, directed patrol analysis, and mileage. The information contained in these reports assist the deputies and crime analysts in gathering sufficient beat knowledge and crime data which are necessary for effective law enforcement. It is imperative deputies complete their CAD reports in a timely, thorough, and accurate manner.

B. Applicability

2. The following employees are required to complete CAD reports for their shifts:
 - a. Patrol deputies and sergeants
 - b. Traffic deputies and sergeants
 - c. Community service officers
 - d. Reserve personnel performing a patrol function
 - e. Field units of the Court Services Division
 - f. Prisoner transportation detail
 - g. Any other units equipped with an MDC and required to complete CAD reports

C. Use of MDC to complete CAD reports.

1. Units equipped with MDCs are required to use their MDCs to document their daily activities, unless prevented from doing so by equipment malfunction. In such cases, the employee shall notify their supervisor, who shall arrange for prompt repair of the equipment.
2. Completing the "Action Taken or Disposition" Section of the CAD Event - This is the comments section of the CAD Event. Deputies must enter all pertinent information regarding actions taken while at the scene of a call or observed activity. This information should include, but not be limited to, the person(s) contacted, where contacted and why. This is especially

necessary to those instances where no report, citation, or field interview is entered into the NetRMS Records Management System.

3. When writing the narrative of the CAD Event, deputies should remember that this may be the only written record of an incident. Be sure there is enough information in the entry for future reference if necessary. If more notes are needed than allowed in the disposition entry, deputies may use the add comments feature to add additional information to the CAD Event. Additionally, deputies should keep in mind that CAD Events are available to the public and can be subpoenaed.

POLICY 15: California Senate Bill 54 - California Values Act

- A. California Senate Bill 54, also known as the California Values Act, was recently enacted and amended California Government Code Sections 7282 through 7282.5, and added sections 7284 through 7284.12. These laws regulate how the Sheriff's Office can share data with federal agencies responsible for immigration enforcement.
- B. Under California law, the primary function of a sheriff's deputy is to enforce the laws of the State of California. In general, California state law leaves the direct enforcement of immigration laws entirely with federal agencies and officials.
- C. California Government Code Section 7284.6 (a) (1) states, in part, that California law enforcement agencies shall not use agency resources or personnel to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes, including any of the following:
 - a. Inquiring into someone's immigration status,
 - b. Detaining an individual on the basis of a hold request from an immigration agency,
 - c. Providing information to immigration authorities regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5 which includes serious and violent felonies among other crimes,
 - d. Providing personal information to immigration officials, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to the individual's home address, work address, and other identifying information unless that information is available to the public (the full list is identified in the code section),
 - e. Making or intentionally participating in arrests based on civil immigration warrants,
 - f. Assisting immigration authorities with the enforcement of immigration law,
 - g. Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.
- D. SB 54 also expressly prohibits a California law enforcement agency from:

- a. Using immigration authorities as interpreters for law enforcement matters relating to individuals in custody,
- b. Providing office space exclusively dedicated for immigration authorities for use within a county law enforcement facility.

POLICY 16. FIELD OPERATIONAL ORDER FORMAT

A. Use and availability of Operational Plan Format Form (SO-125)

1. The operational order format utilized is on form SO-125. The form is a three page document and self-explanatory. The form can be typed on directly and saved to the computer desktop.
2. Form SO-125 is located in the Department-wide forms folder in the Sheriff's Intranet GC 7929.210-Information Security Record
3. When the form is completed, page 1 (operational plan) of the form should be faxed to the Sheriff's Office Communications Center SC 1922.000-Private and/or e-mailed to the Communications Center General account.
4. The original SO-125 shall be retained by the operations/administrative sergeant.

POLICY 17. BANK ROBBERY PROCEDURES

A. Jurisdiction over bank robberies

1. In the majority of bank robberies, the Federal Bureau of Investigation (FBI) has the primary responsibility for the subsequent investigation and prosecution of the perpetrators in the Federal Court. The FBI will work jointly with the area detective.

B. Deputy's responsibilities

1. Although the FBI has primary responsibility for bank robberies, local law enforcement agencies normally arrive at the scene first and therefore, have the responsibility to aid and assist the FBI as needed.
2. Deputies will handle bank robberies as a major crime scene, and attempt to preserve the integrity of the crime scene. Deputies will perform the following:

GC 7922.000-Safety/Security Interest

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

GC 7922.000-Safety/Security Interest [Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]

3. Once the scene is determined to be safe and the suspect is either in custody or has fled the scene, patrol personnel will begin the preliminary investigation. This should include the following:

GC 7922.000-Safety/Security Interest [Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]

[Redacted]

[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]

[Redacted]
[Redacted]

[Redacted]
[Redacted]

h. Responding deputies should complete Field Interviews [Redacted]
[Redacted]
[Redacted] Good contact information is crucial for follow-up interviews;

i. Check for and secure any physical evidence, leaving it in place (if possible) until the proper collection method/personnel is determined;

j. Canvass neighboring businesses, residences and escape routes for witnesses, surveillance video and other evidence;

k. Complete the crime report. GC 7922.000-Safety/Security Interest
[Redacted]
[Redacted]

POLICY 18. HATE CRIMES

A. Overview

1. Hate crimes are inherently difficult on the victim, the community, the Sheriff's Office, and the deputies investigating these incidents. Deputies should be cognizant that a hate crime can gather negative media attention and cause panic within the community. Deputies must exercise prudent sensitivity when investigating these types of crimes. Deputies should utilize all resources available to them to investigate the crime as well as offer support and compassion to the victims and witnesses.
2. The definition of a hate crime can be categorized as any criminal act involving intimidation, harassment, physical force, or threat of physical force directed against any person, associate, advocate, family, or their property, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, gender, disability, or sexual orientation, with the intention or causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of California whether or not performed under the color of law. Refer to California Penal Codes 422.55, 422.56, and 422.57 for additional definitions.

B. Procedure

1. Deputy's responsibilities - Whenever a deputy receives information or is dispatched to investigate a suspected hate crime, the deputy will perform the following:
 - a. Respond in a sensitive manner to the needs of the victim(s).
 - b. Preserve the crime scene and evidence.
 - c. Immediately take all possible investigative and enforcement action necessary.
 - d. If there is a cross burning or any other racially motivated destruction of property, notify the crime laboratory or Sheriff's Bomb Arson Investigator.
 - e. Determine if a crime has been committed and the applicable criminal charges. If a hate crime has been committed, contact the Sheriff's Criminal Intelligence Unit as soon as possible to further evaluate the incident and provide assistance.

- f. Prepare a detailed report and ensure that the report outlines the elements of the crime and proper classification as a hate crime.
- g. In cases involving the distribution of hate literature, collect samples of the literature and preserve the evidence for possible submittal to the Sheriff's Crime Laboratory to be forensically examined. In all cases of hate literature distribution, a report will be generated by the investigating deputy. If a crime was committed, a crime report will be generated. If no crime was committed, at minimum a Deputy's Report will be generated, detailing the incident and any evidence collected at the scene. In all cases of hate literature distribution, the investigating deputy should contact the Sheriff's Criminal Intelligence Unit as soon as possible.
- h. If possible, make a follow-up visit to assure the victim that their local law enforcement is doing everything possible to eliminate the fear factor and apprehend the suspect(s).

2. Field supervisor's responsibilities

- a. The field supervisor shall respond to the scene to provide direction and supervision.
- b. Evaluate the circumstances of the incident to determine if a hate crime has occurred. This may be a difficult undertaking at the time of the preliminary investigation. Sheriff's Criminal Intelligence Unit, the San District Attorney's Office, and investigators skilled in investigating hate crimes should all be consulted prior to identifying the crime as a hate crime or not.
- c. If it is determined that a hate crime has occurred, the supervisor will ensure the appropriate hate crime and charges are selected.
- d. Ensure that the appropriate investigative personnel have been notified if a hate crime has taken place.
- e. Notify the station commander of the incident in a timely manner.
- f. When a supervisor is on-scene at a hate crime incident, the supervisor should personally contact the victim(s) and assure them that the investigation will be actively pursued.
- g. Notify the watch commander at the Sheriff's Communications Center or the Public Affairs Unit as soon as possible, with the following information (if applicable):

1. Any disturbance or destruction of property that is motivated by hate toward a victim's race, religion, ethnicity, gender, sexual orientation, or disability.
 2. Type of neighborhood (racial, ethnic, and socioeconomic make-up).
 3. Whether arrests are imminent, or the name, address, date of birth, sex, and race of any persons arrested.
- h. If staffing levels permit, arrange for an immediate increase of patrols throughout the affected area. If, in the judgment of the patrol supervisor, there still exists the potential for further acts of violence, all options should be explored (i.e., undercover surveillance, increased patrol, S.E.D. assistance, etc.) to combat the crime and calm the community.
- i. Advise patrol personnel that all physical remains of the incident should be removed after processing is completed. If the remains cannot be removed (i.e., paint of walls), the supervisor or deputy shall attempt to impress upon building or property owners the need for complete restoration as soon as possible.

POLICY 19. EMERGENCY EUTHANASIA OF INJURED ANIMALS

A. Overview

1. Deputies may confront situations involving seriously injured animals that require immediate medical attention. If there is no response from a responsible party/animal emergency response agency, euthanasia of the animal may be the only humane option. The euthanizing of an animal should be undertaken only as a last resort. The euthanasia should only take place if the animal poses a real threat to the safety of humans or if it is appropriate to humanely end the suffering of the animal.

B. PROCEDURE

1. When possible, notify a supervisor before prior to euthanizing an animal.
2. If possible, the owner's permission to euthanize the animal should be obtained and recorded on Body Worn Camera.
3. Move all bystanders to a safe area and out of view if possible.
4. The area behind and to the sides of the animal should be protected in the event of over penetration or ricochet of the bullet. The preferred method is to select a location that provides a dirt embankment or other suitable backstop.
5. Extreme caution must be used when approaching an injured animal. When in pain, animals become vicious and may attack.
6. Generally, the best place to aim is the chest area of the animal. Shooting at the head/brain of a large animal is generally discouraged since the skull could deflect a bullet not aimed properly.
7. In the case of a bite inflicted on a human by a suspected rabid animal, a head/brain shot should be avoided. The animal's brain should be preserved in an undamaged condition for a reliable rabies test.
8. As soon as possible, but no later than their end of shift, the deputy must notify their supervisor and the Communications Center of the animal euthanasia.
9. The deputy must complete a Miscellaneous Report in NetRMS documenting the incident, prior to their end of shift.

References: P&P Section 8.1 - Use of Firearms/Deadly Force,

P&P Section 8.2 – Firearms: Discharge During Performance of Duty

POLICY 20. RADIO COMMUNICATIONS FAILURE

- A. The San Diego-Imperial County Regional Communications System (RCS) is the radio system utilized by the Sheriff's Office for voice radio communications. The RCS is a network of interconnected repeaters allowing communications throughout San Diego County. A failure could occur in any portion of the system, while the remainder of the system continues to operate normally.

There are varying levels of possible radio system failure that can affect voice radio communications. It is necessary to attempt to identify the type of failure as each has their own impacts and steps necessary to maintain communications. All failure conditions are rare but have the potential to severely impact operations if they occur.

The failure conditions are as follows:

- Site Trunking
- Failsoft
- Total system failure

Mobile data communications are on a separate network. A failure of voice radio communications is not likely to affect mobile data communications.

B. Patrol Supervisor Responsibility

1. When any radio system failure condition occurs, the patrol supervisor will contact the Communications Center via telephone or mobile data computer message to ascertain the severity of the loss of radio communications and the need to implement steps to maintain communications.
2. If telephone or mobile data communications are not available, the patrol supervisor can attempt to contact and communicate with the Communications Center from their radio **GC 7922.000-Safety/Security Interest**

C. Site Trunking Failure Operation

1. Site Trunking is a condition where an RCS repeater loses connection to rest of the radio system. Communications during Site Trunking operation is still possible, with limitations. This type of failure condition will typically affect one repeater site or limited area with the remainder of the radio system operating normally.

2. HOW TO RECOGNIZE SITE TRUNKING

- a. Radios connected to a repeater operating in Site Trunking will show the words 'SITE TRUNKING' in the display of the radio.

3. WHAT TO DO DURING SITE TRUNKING

- a. Routine radio communications can continue.
- b. Follow any directions from the Communications Center for alternate communications.

4. LIMITATIONS DURING SITE TRUNKING

- a. Radio communications will be limited to the coverage area of the impacted repeater, even on talkgroups normally heard countywide.
- b. The emergency button on the radio can be activated, but dispatch will not receive the alert.

D. Failsoft Failure Operation

1. Failsoft is a condition where an RCS repeater loses the ability to perform its normal process of assigning a trunk/frequency each time a radio user transmits. Communications during Failsoft operation is still possible, with limitations. This type of failure condition will typically affect a single repeater site or area with the remainder of the radio system operating normally.

2. HOW TO RECOGNIZE FAILSOFT

- a. Any radios connected to a repeater operating in the Failsoft condition will show the word 'FAILSOFT' in the display of the radio, *and*;
- b. A single 'beep' will be heard from the radio every 10 seconds.

3. WHAT TO DO DURING FAILSOFT

- a. When a radio shows 'FAILSOFT' in the display, switch to and remain on the primary dispatch talkgroup (unless directed otherwise by the Communications Center)
- b. Limit discretionary and unnecessary radio transmissions.

4. LIMITATIONS DURING FAILSOFT

- a. When Failsoft occurs, several talkgroups are automatically combined and become a shared channel.

- b. Radio communications will be limited to the coverage area of the impacted repeater.
- c. When pressing the push-to-talk button to transmit, the talk-permit tones (three quick beeps) will not be heard.
- d. Encryption is disabled.
- e. The emergency button on the radio is non-functional.

GC 7922.000-Safety/Security Interest

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E. Total System Failure Operation

- 1. A total system failure of the RCS will impact all talkgroups used by the Sheriff's Office in the areas covered by the portion of the radio system experiencing the failure. Several backup channels have been designated for use in the event of a total system failure.
- 2. HOW TO RECOGNIZE TOTAL SYSTEM FAILURE
 - a. 'OUT OF RANGE' is shown in the display of the radio, especially on multiple radios in the same area, *or*;
 - b. No transmissions are possible on any talkgroups, especially on multiple radios in the same area.
- 3. WHAT TO DO DURING TOTAL SYSTEM FAILURE

GC 7922.000-Safety/Security Interest

b. Limit discretionary and unnecessary radio transmissions.

4. LIMITATIONS DURING TOTAL SYSTEM FAILURE

GC 7922.000-Safety/Security Interest

[REDACTED]

Table 1: Designated backup channels in the event of RCS Total Radio System Failure

Command Area	Primary Backup Frequency	Secondary Backup Frequency
GC 7922.000-Safety/Security Interest		
[REDACTED]		

POLICY 21. TRAINING FOR PATROL DEPUTIES

A. Mandatory training courses

1. The following courses are mandatory for patrol deputies:
 - a. First Aid/CPR
 - b. P.O.S.T. Training (minimum of 24 hours every two years)

B. Recommended training courses

1. The following courses are recommended, but not mandatory, for patrol deputies (in order of preference):
 - a. C.O.P.P.S.
 - b. 11550(a) H&S Training
 - c. Basic Investigations Course
 - d. Basic Accident Investigation
 - e. DUI Training
 - f. Mobile Field Force (MFF)
 - g. Building Searches
 - h. Psychiatric Emergency Response Team (PERT)
 - i. Critical Response Team (CRT)

C. Field exercises and drills (Below Mandatory for LESB Patrol)

1. When field exercises and drills are planned and implemented, the following guidelines should be followed:
 - a. Training Checklist completed
 - b. Training Proposal completed in the following format:
 1. Background/Need
 2. Training Plan
 3. Training Objectives

4. Execution
 5. Administration and Logistics
 6. Command and Communication
 7. Attachments (to include Training Checklist)
 8. Endorsement Page.
- c. Training After-Action completed in the following format:
1. Synopsis
 2. Performance Objectives
 3. Planning; Deployment
 4. Post Action Critique
 5. Recommendations
 6. Summary
 7. Attachments
 8. Endorsements
2. Notifications must be made to all affected entities including those on the periphery, i.e.; Communications Center, exposed agencies, citizens, businesses, etc. All training participants should be notified in advance of the planned exercise to avoid unpredictable/unsafe response and promote preparation and learning.
 3. A safety officer must be present (without collateral assignment).
 4. Training Proposals must be approved to the level of Facility/Station/Division Commander. The Bureau Commander must be notified prior to the training exercise.
 5. To ensure consistency, the SDSO In-Service Training Sergeant should be notified.

POLICY 22. MARIJUANA CITATION PROGRAM

With the passage of California State Proposition 64, less than 28.5 grams of marijuana, or 8 grams of concentrated cannabis, or both and possession of up to six marijuana plants is legal for recreational usage so long as the possessor is 21 years of age or over. The law is broken into three sections: under the age of 18, over 18 but less than 21 and over 21, however; there are a few exceptions which apply to "any person" or persons "over the age of 18." If a deputy is unsure of the proper method of enforcement due to the circumstances involved, contact a member of the Marijuana Enforcement Team for further guidance.

A. Notice to Appear Citation of offender under the age of 18

1. If the amount of cannabis possessed is not more than 28.5 grams of cannabis or not more than eight grams of concentrated cannabis, or both (net weight), a citation shall be issued for a violation of Health and Safety Code Section 11357(a)(1), an infraction.
2. If the amount of cannabis possessed is more than 28.5 grams of cannabis or more than eight grams of concentrated cannabis, or both (net weight), a citation shall be issued for a violation of Health and Safety Code Section 11357(b)(1), an infraction.
3. If the amount of cannabis possessed is not more than 28.5 grams of cannabis or not more than eight grams of concentrated cannabis, or both (net weight), and the offender is upon the grounds of a school providing instruction in grades K-12 and the school is in session or is a school related event, a citation shall be issued for a violation of Health and Safety Code Section 11357(d), an infraction.
4. If the offender plants, cultivates, harvests, dries or processes ANY marijuana plants, a citation shall be issued for a violation of Health and Safety Code Section 11358(a), an infraction.
5. If the offender is in possession for sale of ANY cannabis, a citation shall be issued for a violation of Health and Safety Code Section 11359(a), an infraction.
6. If the offender transports, imports into this state, sells, furnishes, administers or gives away or offers or attempts to do the same, ANY cannabis, a citation shall be issued for a violation of Health and Safety Code Section 11360(a)(1), an infraction.
7. If the offender smokes or ingests cannabis or cannabis products in any public place, except in accordance with Section 26200 of the Business and Professions Code, a citation shall be issued for violation of Health and Safety Code Section 11362.4(a), an infraction.

8. If the offender smokes cannabis or cannabis products in a location where smoking tobacco is prohibited; or within 1,000 feet of a school, day care center, or youth center while children are present at such school, day care center, or youth center, except in or upon the grounds of a private residence or in accordance with Section 26200 of the Business and Professions Code or Chapter 3.5 of Division 8 of the Business and Professions Code and only if such smoking is not detectable by others on the grounds of such a school, day care center, or youth center while children are present; or possesses an open container or open package of cannabis or cannabis products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation, a citation shall be issued for a violation of Health and Safety Code Section 11362.4(b), an infraction.

B. Notice to Appear Citation of offender at least 18 but less than 21

1. If the amount of cannabis possessed is not more than 28.5 grams of cannabis or not more than eight grams of concentrated cannabis, or both (net weight), a citation shall be issued for a violation of Health and Safety Code Section 11357(a)(2), an infraction.
2. If the amount of cannabis possessed is more than 28.5 grams of cannabis or more than eight grams of concentrated cannabis, or both (net weight), a citation shall be issued for a violation of Health and Safety Code Section 11357(b)(2), a misdemeanor.
3. If the amount of cannabis possessed is not more than 28.5 grams of cannabis or not more than eight grams of concentrated cannabis, or both (net weight), and the offender is upon the grounds of a school providing instruction in grades K-12 and the school is in session or is a school related event, a citation shall be issued for a first offense violation of Health and Safety Code Section 11357(c), an misdemeanor.
4. If the offender plants, cultivates, harvests, dries or processes not more than six living marijuana plants, a citation shall be issued for a violation of Health and Safety Code Section 11358(b), an infraction.
5. If the offender plants, cultivates, harvests, dries or processes more than six living marijuana plants, a citation may be issued for a violation of Health and Safety Code Section 11358(c), a misdemeanor. Note – if the offender has certain prior convictions as stated in section (d) of 11358 H&S, the offender may face more severe penalties.
6. If the offender is in possession for sale of ANY cannabis, a citation may be issued for a violation of Health and Safety Code Section 11359(b), a misdemeanor. Note – if the offender has certain prior convictions as stated in section (c) of 11359 H&S, the offender may face more severe penalties.

7. If the offender transports, imports into this state, sells, furnishes, administers or gives away or offers or attempts to do the same, ANY cannabis, a citation shall be issued for a violation of Health and Safety Code Section 11360(a)(2), an misdemeanor. Note – if the offender has certain prior convictions as stated in section (a) (3) of 11360 H&S, the offender may face more severe penalties.
8. If the offender smokes or ingests cannabis or cannabis products in any public place, except in accordance with Section 26200 of the Business and Professions Code, a citation shall be issued for violation of Health and Safety Code Section 11362.4(a), an infraction.
9. If the offender smokes cannabis or cannabis products in a location where smoking tobacco is prohibited; or within 1,000 feet of a school, day care center, or youth center while children are present at such school, day care center, or youth center, except in or upon the grounds of a private residence or in accordance with Section 26200 of the Business and Professions Code or Chapter 3.5 of Division 8 of the Business and Professions Code and only if such smoking is not detectable by others on the grounds of such a school, day care center, or youth center while children are present; or Possesses an open container or open package of cannabis or cannabis products while driving, operating , or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation, a citation shall be issued for a violation of Health and Safety Code Section 11362.4(b), an infraction.
10. Prior to issuing a citation for possession of cannabis, the deputy shall attempt to determine if the subject's possession was within the scope of Health and Safety Code Section 11362.5 (Use of Marijuana for Medical Purposes) and properly document their findings if applicable.

C. Notice to Appear Citation of offender is 21 or older

**It should be noted that under Section C of this procedure any offense that is a misdemeanor and states "may" be issued a citation is an indication that the offender may be placed under custodial arrest if they fit the criteria under 853.6 PC.

1. If the amount of cannabis possessed is more than 28.5 grams of cannabis or more than 8 grams of concentrated cannabis, or both (net weight), a citation may be issued for a violation of Health and Safety Code Section 11357(b)(2), a misdemeanor.
2. If the amount of cannabis possessed is not more than 28.5 grams of cannabis or not more than 8 grams of concentrated cannabis, or both (net weight), and the offender is upon the grounds of a school providing instruction in grades K-12 and the school is in session or is a school related event, a citation shall be

issued for a first offense violation of Health and Safety Code Section 11357(c), a misdemeanor.

3. If the offender plants, cultivates, harvests, dries or processes more than six living marijuana plants, a citation may be issued for a violation of Health and Safety Code Section 11358(c), a misdemeanor. Note – if the offender has certain prior convictions as stated in section (d) of 11358 H&S, the offender may face more severe penalties.
4. If the offender is in possession for sale of ANY cannabis, a citation may be issued for a violation of Health and Safety Code Section 11359(b), a misdemeanor. Note – if the offender has certain prior convictions as stated in section (c) of 11359 H&S, the offender may face more severe penalties.
5. If the offender transports, imports into this state, sells, furnishes, administers or gives away or offers or attempts to do the same, ANY cannabis, a citation may be issued for a violation of Health and Safety Code Section 11360(a)(2), an misdemeanor. Note – if the offender has certain prior convictions as stated in section (a) (3) of 11360 H&S, the offender may face more severe penalties.
6. If the offender smokes or ingests cannabis or cannabis products in any public place, except in accordance with Section 26200 of the Business and Professions Code, a citation shall be issued for violation of Health and Safety Code Section 11362.4(a), an infraction.
7. If the offender smokes cannabis or cannabis products in a location where smoking tobacco is prohibited; or within 1,000 feet of a school, day care center, or youth center while children are present at such school, day care center, or youth center, except in or upon the grounds of a private residence or in accordance with Section 26200 of the Business and Professions Code or Chapter 3.5 of Division 8 of the Business and Professions Code and only if such smoking is not detectable by others on the grounds of such a school, day care center, or youth center while children are present; or possesses an open container or open package of cannabis or cannabis products while driving, operating , or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation, a citation shall be issued for a violation of Health and Safety Code Section 11362.4(b), an infraction.

D. Citations, reporting, and other considerations

1. For citations on infractions, the deputy will add a crime/incident report (not an arrest report) and obtain a case number in NetRMS listing the offender as a suspect, net weight and test the cannabis, and document the cannabis was placed into evidence in the property section of the crime/incident report. The

deputy can also elect to write in the narrative of the crime/incident report to "refer to his/her notes on the citation."

The original citation and detailed notes on the back of the citation, or the NetRMS report concerning the offense shall be submitted to the District Attorney's Office for issuance of a complaint. The notes shall describe in detail all the facts concerning the offense and will be submitted with the original citation. The citation shall receive a case number and the Court's copy of the citation shall be forwarded to the District Attorney.

2. In cases where the subject has no identification, or refuses to identify themselves, Penal Code Section 853.5(a) is applicable.
3. In those cases where the subject has no identification, but provides a name, a reasonable effort to verify the identity of the subject shall be made.
4. If the subject's identification cannot be verified, or if the subject refuses to sign a notice to appear form, they shall be booked into jail per Penal Code Section 853.6(i). This section only applies to misdemeanors
5. Where simple possession of cannabis of more than one ounce occurs and neither the amount of cannabis nor the circumstances indicate the intent to sell, the deputy has the option to issue citations as in other misdemeanor arrest situations.
6. An adult can be cited and released from the station, whereas, a juvenile released to his or her parents/guardian, absent a citation requires a JCR.
7. When two or more persons are present where cannabis is found and the possession is illegal, the offense may be considered multiple possession and all persons may be charged. Before deciding to arrest or cite all persons present in a multiple possession situation, the deputy should be able to justify his/her conclusion that they were all equally in possession.
8. If the deputy cannot determine ownership of the cannabis and it is determined the cannabis is illegally possessed, the deputy should seize the cannabis as Found Narcotics, document the seizure in NetRMS, and forward the cannabis to the Crime Laboratory for destruction.
9. Possession of cannabis by juveniles is an infraction per ALL Health and Safety Code sections except violations of section 11379.6, a felony, which is generally associated with BHO type labs. They can either be cited into juvenile court or a Juvenile Contact Report shall be submitted. It is preferred to document the infraction by completing a Juvenile Contact Report however citing the juvenile into juvenile court is acceptable if the citation is accompanied by a written NetRMS report documenting the incident.

10. Per vehicle code 23222(a) No person shall have in his or her possession on his or her person, while driving a motor vehicle upon a highway or on lands, as described in subdivision (b) of Section 23220, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.
11. Per vehicle code 23222(b)(1) except as authorized by law, every person who has in his or her possession on his or her person, while driving a motor vehicle upon a highway or on lands, as described in subdivision (b) of Section 23220, any receptacle containing any cannabis or cannabis products, as defined by Section 11018.1 of the Health and Safety Code, which has been opened or has a seal broken, or loose cannabis flower not in a container, is guilty of an infraction
12. The public smoking or ingesting of cannabis is illegal if it occurs in areas where it is lawful to smoke or ingest tobacco products except in accordance with 26200 of the Business and Professions Code. It is illegal within 1000 feet of a school, day care when children are present or areas regulated by Regulatory Ordinances or City Codes. Violations of this will fall under Health and Safety Code sections 11362.4 (a) (b) or (c) and all are infractions.
13. If a misdemeanor cannabis violation is observed in conjunction with a vehicular violation, separate citations shall be issued unless the subject is cited for 23222(a) (b) of the California Vehicle Code.
14. When illegally possessed cannabis is found on a subject who has been arrested on a felony or bookable misdemeanor, the arresting deputy will not cite the suspect for cannabis. The deputy will take the cannabis as evidence and describe the circumstances surrounding the discovery of the cannabis in the narrative of the arrest report. The deputy will also document the results of a presumptive test on the cannabis and its net and gross weights.
15. All cannabis evidence shall be impounded and logged in without exception and processed according to established procedures. All cannabis evidence taken shall be impounded at the deputy's station no later than the end of the deputy's shift. A presumptive test shall be conducted and the cannabis evidence shall be weighed prior to the end of the deputy's shift if the suspect is cited. For all cannabis cited infractions, the deputy shall obtain a case number and complete a NetRMS crime report. The cited individual shall be listed as the "suspect" and the appropriate charge should be listed under the offense tab. The cannabis shall be listed under the property tab and the status listed as "6- Seized (Drug, Forgery/Counterfeit or Gambling Crime)."

POLICY 23. PSYCHIATRIC EMERGENCY RESPONSE TEAM (PERT)

A. Overview: This is the Sheriff's Office procedure as it relates to our Psychiatric Emergency Response Team partnership.

1. The Sheriff's Office recognizes four types of detentions of individuals experiencing a mental health issue and/or emergency:
 - a. Voluntary Cases - In voluntary cases, individuals are experiencing a mental health issue, but do not meet criteria for a 5150 detention for further evaluation at a LPS facility. The individual is willing to accept an evaluation and treatment. If such an individual has no means of accessing resources for evaluation and treatment, the PERT Unit or Mobile Crisis Response Team (MCRT) will assist the individual to do so and transport as necessary. If PERT or MCRT are not available to transport the subject for a voluntary evaluation, a deputy may transport the individual. The deputy's transport shall be documented in a miscellaneous incident report or an arrest/juvenile contact report.
 - b. Uncooperative Non-Emergency Cases - In this case, the individual does not meet criteria for a 5150 detention and is unwilling to accept voluntary services. In uncooperative non-emergency cases, deputies may inform concerned relatives/citizens of their option of filing, through the Public Conservators Office, for a petition for court-ordered mental health evaluation.
 - c. Emergency Cases: When a person, as a result of a mental health disorder, is a danger to others, or to themselves, or gravely disabled, a peace officer or professional clinician designated by the County may, upon probable cause, detain the person in order to transport to an LPS facility for further evaluation and treatment.
 1. Once it has been determined that a criminal justice intervention is not necessary, and issues of officer/PERT clinician safety have been resolved, the PERT unit will evaluate and if 5150 criteria is met, will transport to a Laterman-Petris-Short (LPS) designated facility. Placement depends on many factors, including but not limited to: safety including physical health, medical concern, medical insurance coverage, continuity of care and patient request.
 2. If the PERT unit was not the primary responder to the call, the primary responder(s) will be released to return to patrol duties as soon as safety issues have been resolved.

- d. Public Conservator – Occasionally, law enforcement support will be requested by a Public Conservator to assist in controlling a legally designated at-risk individual. In such a case, PERT involvement may not be necessary since the Public Conservator has the authority to order the at-risk individual into a hospital for psychiatric evaluation/treatment. Therefore, any deputy responding to such a request by a Public Conservator will fulfill it and provide the at-risk individual with a safe and orderly transport to the facility designated by the Public Conservator; however, if the PERT unit is available, it will be the unit of choice for handling these Public Conservator-originated calls as the PERT Clinician can add expertise to the initial screening and recommendation to the Public Conservator about best practices referral options for the at-risk individual.

B. PERT unit functions

1. PERT units combine the resources of a uniformed deputy and a licensed clinician (PERT Clinician) in responding to the needs of persons in mental health crisis. The PERT clinician advises patrol deputies on mental health concerns and issues that arise in the course of their law enforcement duties, provide assessment of resources to individuals in a mental health crisis and have come to the attention of the Sheriff's Office, and assists in transportation of individuals deemed to require further mental health evaluation. The Department's PERT units are primarily responsible for coverage in their assigned commands. The PERT units may be dispatched to assist in other Sheriff's Office commands or other police department jurisdictions that have agreed to participate in the regional sharing of PERT resources, per the PERT Coordinating Council Partnership Agreement. While MCRT Clinicians are also a county wide resource available to deputies and provide non-law enforcement, in-person crisis intervention to minors and adults, they do not respond to potentially violent situations and should not be confused with a PERT unit (See Policy 52 of the Field Operations Manual for further details).
2. Anyone in the community may request the services of the PERT or MCRT units. These requests are coordinated through the Communications Center.
3. The PERT units may be used under the following circumstances:
 - a. To respond to calls/requests for assistance from Sheriff's or other police agencies' patrol units regarding individuals who may be in need of mental health assessment or crisis intervention.
 - b. When appropriate, provide necessary follow-up calls and contacts regarding new or previous PERT cases.

- c. To respond to requests for service from the Special Enforcement Detail (SED) and/or the Sheriff's Emergency Negotiation Unit. The PERT clinicians are not negotiators.
 - 1. PERT's role in Special Enforcement Detail (SED) and Emergency Negotiation Team (ENT) type calls is to provide support to the incident command staff handling the incident. PERT clinicians may be utilized by the incident command to obtain relevant mental health history on the subject for the purpose of trying to provide information that may assist the incident command and negotiators in ending the situation peacefully. PERT clinicians do not actively engage in crisis negotiations with the subject. These are tactical situations handled by law enforcement negotiators. The PERT unit neither functions as, nor does it take the place of Hostage Negotiation Team.
- d. To provide collaboration and consultation for appropriate Community Oriented Policing and Problem Solving (COPPS) projects.
- e. To refer appropriate individuals to monthly PERT Round Table Meetings.

C. PERT Unit procedures

1. When the Communications Center receives a call involving an individual with a mental health disability, the radio dispatcher may seek to dispatch PERT directly if: the individual with a mental health disability indicates a desire to cause self-harm or harm to others and if a PERT unit is available. Otherwise, the radio dispatcher will dispatch uniformed deputies as necessary to handle the situation safely. Also, if sufficient information was received to suggest a PERT unit response, the dispatcher will advise the on-scene deputies of the PERT unit's availability.
2. The responding deputies after their initial assessment may request through the Sheriff's Communications Center the assistance of an available PERT or MCRT unit. Should the PERT or MCRT unit not be available for response and the situation is not considered critical, the deputy may submit a referral form for PERT follow-up.
3. The PERT unit will respond as promptly as feasible and determine the most appropriate type of intervention necessary.
4. The responding deputies shall not be relieved of their responsibilities for the call or the safety of all those involved until advised by the PERT deputy that the PERT unit will assume primary responsibility for the call. The PERT deputy will advise the Sheriff's Communications Center of the status of the call and will allow the initial units to return to service.

5. When the PERT unit becomes the primary responder, the PERT unit members shall assume responsibility for completing all necessary reports regarding the intervention, including the 5150/72 Hour Detention Form, and any crime or arrest reports. The latter are the responsibility of the PERT deputy.
6. All PERT Mental Health reports are confidential and will be utilized as necessary by PERT personnel only; they are not to be accessed by law enforcement deputies other than those designated as PERT deputies or sergeants.
7. When a PERT or MCRT unit is not available to respond to a call for assistance, for any reason, the deputy will complete a PERT referral form and leave it in their mailbox. The PERT unit will prioritize follow ups on referrals as time allows.
8. The following detainment advisement must be provided by the deputy documenting the 5150 (as noted on DHCS Form 1801: "Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment") when an individual is detained on the 5150, and before transportation to a facility for the psychiatric evaluation: "My name is _____. I am a Deputy Sheriff with the San Diego Sheriff's Office. You are not under criminal arrest. I am taking you to a psychiatric health facility for an examination by mental health professionals. You will be told of your rights by the mental health staff."
9. If the subject is taken into custody while at his/her residence, the subject will also be informed as follows:

"You may bring a few personal items with you which I will have to approve. You can make a phone call and/or leave a note to tell your friends and/or family where you have been taken."
10. If advisement is incomplete, a "good cause" reason must be specified on the application for emergency detention.
11. Deputies shall refer individuals for PERT follow-up who do not need immediate involuntary detention for psychiatric evaluation/treatment by completing a PERT Referral Form:
 - a. Deputies may refer a subject to the PERT clinician, who did not meet the criteria for a 5150 detention, but who the deputies conclude would benefit from an appropriate referral.
 - b. Deputies may refer a subject to the PERT clinician, who has a prior history of hospitalization in a psychiatric facility, to enlist their assistance in developing strategies to prevent subsequent calls for service resulting in future hospitalization.

- c. Deputies may refer a subject for possible PERT contact, who requested information on mental health services that a PERT clinician provides.

Reference: P&P Section 6.113 - Psychiatric Emergency Response Team

POLICY 24. PATROL STATION TEMPORARY HOLDING FACILITIES

A. Overview

1. Each Sheriff's Office station and substation has an area for processing prisoners before they are booked or released. The following stations are considered law enforcement temporary holding facilities per the Board of Corrections and must comply with Title 15, Division 1, Chapter 1, Subchapter 4, Section 1010(d) and (f)(minimum standards for temporary holding facilities).

4S Ranch	Julian	Ramona
Alpine	Lakeside	Rancho San Diego
Borrego Springs	Lemon Grove	Santee
Boulevard	North Coastal	San Marcos
Fallbrook	Poway	Valley Center
Imperial Beach	Pine Valley	

2. The following locations do not have holding facilities (holding cells). They are not considered a temporary holding facility and thus are not held to the same Title 15 requirements; however, these facilities will use Title 15 as a guideline for processing prisoners when practical.

Campo	Vista	Warner Springs
-------	-------	----------------

B. Title 15 facility-specific policies

1. Each Sheriff's Office temporary holding facility shall develop and maintain a facility-specific policy to ensure compliance with Title 15. The Division of Inspectional Services will review these policies on an annual basis to ensure compliance with current guidelines. The policies should be updated as necessary.

C. Compliance with Title 15 standards

1. In accordance with Title 15 Article 2, Section 1010(d) and (f), temporary holding facilities must comply with the following:
 - a. 1012 - Emergency Suspensions of Standards or Requirements
 1. The station commander has the authority to temporarily suspend any of the following standards or requirements herein, in the event of an emergency which threatens the safety of the facility, inmates, staff, or public. If the suspension lasts longer than three days, the facility

administrator shall notify the Board of Corrections in writing. Suspensions lasting for more than 15 days require approval of the chairperson of the Board.

b. 1024 - Temporary Holding Facility Training

1. Deputies who are responsible for custody of prisoners at the patrol station shall complete 8 hours of specialized training within 6 months of assignment to include applicable minimum jail standards, jail operations liability, prisoner segregation, emergency procedures and planning, fire and life safety, and suicide prevention. Core training or supplemental Core training, pursuant to 1020, Corrections Officer Core Course may be substituted for the initial 8 hours of training.
2. After the initial 8 hours of training, deputies shall complete an additional 8 hours of related training every two years. A record of this training will be kept in the station training files.

c. 1027 - Number of Personnel

1. At minimum there will be at least one deputy on duty, who is immediately available and accessible to a prisoner in a station holding facility. The deputy will have CPR and First Aid certification per Penal Code 13518. The deputy will be responsible for checking the well-being of the prisoner every 15 minutes. The safety check will be done by direct visual observation (not through the lens of a camera or a video screen). It is necessary to see the prisoner breathing. The check will be documented on a holding cell checklist log (SO-60).
2. Whenever one or more female inmates are in custody, there shall be at least one female employee who shall be immediately available and accessible to such females.

d. 1028 - Fire and Life Safety Staff

1. All station personnel will be familiar with the location of fire suppression devices, with emergency evacuation plans and emergency response plans. Whenever there is an inmate in custody, there shall be at least one person on duty at all times who meets the training standards established by the Corrections Standards Authority for general fire and life safety.

e. 1029 - Policy and Procedures Manual

1. The San Diego County Sheriff's Office has a Policy and Procedures Manual, Field Operations Manual, Detention Facility Services Policy and Procedures and Emergency Operations Manual, and Patrol Station Manuals.

2. A manual for Temporary Holding Facilities is required and shall provide for, but not be limited to, the following:
 - Multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents,
 - A method for uninvolved inmates, family, community members, and other interested third-parties to report sexual abuse or sexual harassment. The method for reporting shall be publicly posted at the facility.
- f. 1030 – Suicide Prevention Program
 1. The facility shall have a comprehensive written suicide prevention program developed by the facility administrator, in conjunction with the health authority and mental health director, to identify, monitor, and provide treatment to those inmates who present a suicide risk. The program shall include the following:
 - Suicide prevention training for all staff that have direct contact with inmates.
 - Screening for suicide risk immediately upon intake.
 - Communication among arresting/transporting officers, facility staff, medical and mental health personnel regarding suicide risk.
 - Supervision depending on level of suicide risk.
 - Policies and procedures regarding suicide attempts and suicide intervention.
 - Provisions for reporting suicides and suicide attempts.
 - Multi-disciplinary administrative review of suicides and attempted suicides as defined by the facility administrator.
- g. 1032 - Fire Suppression Preplanning
 1. Pursuant to Penal Code Section 6031.1(b), station commanders shall consult with the local fire department having jurisdiction over the facility to develop a plan for fire suppression and evacuation.
- h. 1044 - Incident Reports
 1. See the following Policy and Procedure Sections:

3.25 - Threats of Physical Harm

6.1 - Liability Prevention -Threats of Violence

6.48 - Physical Force

6.71 - Crime Case Reports

i. 1046 - In-Custody Death

1. Upon an in-custody death, the following procedure must be adhered to:
 - a. The Communications Center will be notified
 - b. The Communications Center will notify the affected captain or station commander
 - c. Notify the Division of Inspectional Services, except for a hospital death where death was expected due to a medical condition or illness

j. 1050 - Classification Plan

1. Male and female prisoners are kept separate
2. Adult and juvenile prisoners are kept separate
3. Prisoners with suspected communicable diseases are kept separate
4. Developmentally disabled inmates are kept separate
5. Prisoners who have demonstrated a propensity for violence are kept separate

k. 1051 - Communicable Diseases

1. Any prisoner, who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease is not to be held at a patrol station, in order to limit the exposure to other personnel. The prisoner should be transported to the appropriate medical facility or detention facility. The transporting deputy should take the necessary precautions to limit his/her exposure to the affected person with utilizing the appropriate safety equipment.

l. 1052 - Mentally Disordered Prisoners

1. See the following Policy and Procedure Sections:
 - 6.32 - Mentally Ill Persons

6.113 – PERT

m. 1053 - Administrative Segregation

1. Administrative segregation will be used to accomplish protective custody in instances when the prisoner requests it, for the safety and security of prisoners or staff, to ensure safe operations, or if there is reason to believe such custody is warranted (members of rival gangs, predators separated from those likely to be victimized, etc.).

n. 1057 - Developmentally Disabled Inmates

1. Developmental disabilities may be due to an intellectual disability, cerebral palsy, autism or a combination of handicaps. Regardless of the cause, prisoners who have, or are suspected of having, developmental disabilities should be separated from other prisoners to prevent their being victimized by potential predators.

o. 1058 - Use of Restraint Devices

1. This section does not apply to the use of handcuffs, shackles or other restraint devices when used to restrain prisoners for security reasons.
2. This section is for “four-point restraint” on a “gurney” table or restraining chair. Refer to Detention Facility Services Manual of Policies and Procedures I.93.

p. 1058.5 – Restraints and Pregnant Inmates

1. Upon confirmation of a female prisoner's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant prisoners.
2. A prisoner, known to be pregnant or in recovery after delivery, shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body.
3. The known pregnant prisoner shall not be restrained by the wrists, ankles, or both unless deemed necessary for safety and security during labor, delivery, or during recovery after delivery. Restraints shall be removed when requested by a medical professional.

q. 1067 - Access to Telephone

1. Immediately upon being booked, and, except where physically impossible, no later than three hours after arrest, an arrested person has the right to make at least three completed telephone calls (851.5(a)(1) PC). If the prisoner is a custodial parent with responsibility

of a minor child, they have the right to two additional telephone calls for the purpose of arranging for the care of the minor child(ren). This information shall be on a sign, clearly visible to prisoners, printed with the information from sections 851.5(a) and (c) PC.

- r. 1068 - Access to the Courts and Counsel
 - 1. Prisoners have a constitutional right to legal representation. Patrol station attorney visits will be handled on an individual case basis.
- s. 1080-1084 - Plan for Inmate Discipline
 - 1. Deputies shall not discipline any prisoners in their custody.
- t. 1143- 1151 – Care of Juveniles in Temporary Custody
 - 1. See Policy and Procedure Section 6.3
- u. 1200 – Responsibility for Health Care Services
 - 1. Appropriate medical and psychiatric services will be provided based upon a prisoner's signs and symptoms, and health care questionnaire responses. Deputies should be observant of the prisoner's condition and seek immediate medical attention if warranted.
- v. 1207 - Medical Receiving Screening
 - 1. As soon as practical, after taking person(s) into custody, the arresting deputy will complete a prisoner holding cell checklist (SO-60) for all prisoners detained within the station regardless of whether they are a minor or adult. They will ask and record the responses to a series of health care questions. They will indicate the date and time the checklist was completed, as well as writing (legibly) their name and ARJIS number in the space provided. Appropriate medical and psychiatric services will be provided based on the arrestee's responses. Deputies should be observant of the prisoner's condition and seek immediate medical attention if warranted.
 - 2. Prisoners will be allowed to retain prosthetic devices unless the arresting deputy has probable cause to believe possession of such orthopedic or prosthetic appliance constitutes an immediate risk of bodily harm to themselves, any person in the facility, or threatens the security of the facility. If a prisoner is deprived such an appliance, it must be returned as soon as the circumstances justifying its removal cease to exist. (Penal Code §2656)
 - 3. Formal medical screening will be done at the receiving detention facility, and performed by licensed health care staff, or by trained facility staff.

w. 1209 – Mental Health Services

1. If a prisoner is detained within the station and the arresting deputy determines the prisoner is a danger to themselves or others, or is gravely disabled the prisoner should be transported to the Emergency Psychiatric Unit (EPU) for the staff to assess the prisoner prior to being booked. Evaluation at any other mental health facility will not be adequate as detention facilities cannot follow orders written outside of the EPU. If it becomes necessary to place the prisoner into a station holding facility, the prisoner shall be constantly monitored.

x. 1212 - Vermin Control

1. Those persons arrested who are suspected or identified as being infested with vermin shall be isolated and not housed with prisoners, not so infested.

y. 1213 - Detoxification Treatment

1. If a prisoner is undergoing drug or alcohol withdrawal reactions such as profuse sweating, body tremors, anxiety, agitation, hallucinations, watery eyes, runny nose, etc., the prisoner shall be immediately transported to a hospital or other medical facility for medical treatment.

z. 1218 - Inmate Deaths

1. See the following Policy and Procedure Sections:
6.33 - Major Crimes-Primary Responders
6.39 - Death Scenes
6.61 - Homicide Detail Case Responsibility
7.3 - Media/Public Information

aa. 1220 - First Aid Kit(s)

1. First aid kits will be readily available in the holding cell area of each temporary holding facility and be replenished as needed.

bb. 1240 – 1241 - Frequency of Serving / Minimum Diet

1. Patrol stations do not provide regularly scheduled food services. For prisoners held for extended periods of time in any holding facility, they must be supplied a meal every 8 hours until removed from the facility for transport or release.

cc. 1243 - Food Manager

1. Food managers are not assigned at patrol stations.
- dd. 1246 - Food Serving
1. On rare occasions it may be necessary to request meals from a detention facility or purchase meals from a local food establishment for prisoners.
- ee. 1280 - Facility Sanitation, Safety and Maintenance
1. See the following references:

Policy and Procedure Section 1.8 - Facility Appearance and Maintenance

Patrol Procedures Manual Section 5 - Patrol Station Administration and Operation

Juvenile Detention Procedures: See P&P Section 6.3

Reference: California Code of Regulations (CCR), Title 15 - Minimum Standards For Local Detention Facilities

POLICY 25. PRISONER TRANSPORTATION

A. Prisoner and patrol vehicle searches

1. Deputies shall assume that the prisoner may have had an opportunity to obtain contraband or a weapon prior to the time that the prisoner came into the custody of the transporting officer. Therefore, deputies shall search every prisoner(s) prior to being placed in a patrol vehicle for transportation.
2. Deputies shall assume that contraband and/or weapons may have been placed in or on their vehicles, both before and after transporting of the prisoner(s). Therefore, deputies will inspect their patrol vehicles for such items or any irregularities prior to and after transporting prisoners.

B. Prisoner communication

1. In order to assure the safety aspects of the transportation of a prisoner, the prisoner normally will not be allowed to communicate with anyone other than the deputy performing the transportation.
2. Exceptions to the above will only be permitted upon authorization by the deputy in charge of the transportation.

C. Deputy's responsibilities at detention facility

1. Upon arrival at the detention facility, the deputy shall secure his firearm SC 7922.000-Safety/Se [REDACTED] prior to removing any restraining devices from the prisoner.
2. The deputy shall not remove any restraining devices from the prisoner prior to reaching a secured holding area.
3. The deputy shall deliver any and all pertinent written documentation to the intake officer reference the incarceration of the prisoner.
4. The deputy shall search the prisoner in front of the receiving officer/deputy.
5. The deputy shall remain in the area until he receives a copy of the intake slip with the time stamp of the intake officer on the copy.

D. Medical care of prisoner prior to or during transporting

1. If, during the arrest and transportation, a prisoner becomes sick or injured, the transporting deputy shall immediately seek medical attention for the prisoner.
2. Per Penal Code 3407:

- a. an inmate known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body;
 - b. a pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public;
 - c. restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines the removal of restraints is medically necessary.
3. If the need arises to transport a prisoner to a medical care facility prior to a detention facility, the transporting deputy shall ensure the integrity of the security of the prisoner. This includes, but is not limited to, adequate restraining devices on the prisoner, separation of the prisoner from others, and constant visual observation of the prisoner by the deputy. If the prisoner is transported via an ambulance, deputies shall handcuff and restrain prisoners while they are being transported. Deputies will also do the following:

GC 7922.000-Safety/Security Interest

- [REDACTED]
- [REDACTED]
4. If the prisoner is to be admitted to the hospital, the deputy will immediately notify the detention facility watch commander so that the watch commander may make arrangements for hospital guards **GC 7922.000-Safety/Security Interest** [REDACTED] If a guard is assigned, the deputy will closely guard the prisoner until properly relieved by the hospital guard.
5. If it is not possible to transport the sick or injured prisoner to a medical facility, the transporting deputy shall inform the intake deputy of the nature of the prisoner's illness or injury. The intake deputy will subsequently notify the detention facility's medical staff, who shall provide for the prisoner's welfare upon the prisoner's arrival at the detention facility.

E. Transporting handicapped prisoners

1. From time to time the transporting deputy may find it necessary to arrest and subsequently transport a handicapped prisoner. Depending on the severity of the condition of the handicap, i.e., ambulatory versus non-ambulatory, it might be necessary for the deputy to request an additional deputy to assist him in transporting the handicapped prisoner. Deputies shall evaluate and identify the

need for handicapped devices such as wheelchairs and necessary medicine for the prisoner.

2. While special considerations may be necessary for the transporting of handicapped prisoners, the safety of the deputy and the public, as well as the prisoner's safety always come first.

F. Use of restraining devices on prisoners

1. With no unusual circumstances present, i.e., handicapped prisoners, deputies shall keep prisoners handcuffed with their hands behind their backs.
2. If a deputy is arresting multiple suspects and the deputy does not have a sufficient number of handcuffs for each prisoner, the deputy shall handcuff prisoners to each other with their arms in front and intertwined.
3. In no circumstances shall deputies handcuff a prisoner to any part of the patrol unit.
4. The use of restraining devices may not be necessary on all handicapped prisoners. An example would be the arrestee that is a paraplegic. This type of arrestee would not need leg restraints.
5. The use of restraining devices on sick or injured prisoners may not be necessary all of the time. An example would be an incapacitated prisoner who is being transported to a hospital from a traffic accident scene via an ambulance with the deputy providing escort.

The use of restraining devices on a handicapped, sick, or injured prisoner while being transported to a detention facility will be at the discretion of the transporting deputy based on an evaluation of the level of safety of the deputy, the public, and the prisoner.

G. Documentation

1. The arresting deputy will document any and all pertinent security information regarding personal traits of the prisoner. These traits shall include, but not be limited to: escape risk, keep separates, suicidal tendencies, as well as unusual illnesses. The arresting/transporting deputy shall document these traits on the Inmate Intake Form (J-15 booking slip) and shall orally make the intake deputy aware of same.

POLICY 26. RESERVE RESOURCES

A. Reserve resource assistance

1. The Sheriff's Office maintains a cadre of reserve deputies who are deployed on an as-needed basis to assist with a wide range of operations, primarily law enforcement activities and special details.
2. The reserve deputies have the capability to provide the following forms of assistance, depending on their classification:
 - a. augmentation of regular patrol deputies by law enforcement reserve deputies in the event of emergencies and disasters
 - b. assistance with locating lost children and other at risk groups
 - c. various aircraft and flights by qualified pilots in the Reserve Air Unit
 - d. underwater searches, evidence recovery, and processing of underwater crime scenes
 - e. horseback mounted reserves
 - f. off-road vehicle teams
3. All San Diego County Reserve Deputy Sheriffs are recognized as peace officers only when working in a capacity as set forth below.

a. The three levels of classification for Reserve Deputies are:

Level I Reserve Deputy Sheriffs have the same peace officer responsibility as a full-time salaried deputy sheriff. Level I Reserves can perform all the legal functions of full-time salaried deputies. They must complete the Sheriff's Office Field Training Program with a full-time salaried field training officer or full-time salaried non-probationary deputy prior to participating in patrol activities without direct supervision. They will commonly be assigned to a station to perform general law enforcement duties, but can be assigned to other areas such as the Off-Road Enforcement Team (ORET), Special Enforcement Detail (SED), and other specialized units.

Level II Reserve Deputies require immediate supervision by a full-

time peace officer, or Level I Reserve who has completed the POST regular basic course and they must complete Phase II of the Sheriff's Office Field Training Program with a full-time salaried field training officer or full-time salaried non-probationary deputy.

Level II Reserve Deputies may work those limited assignments authorized for Level III Reserve Deputies without immediate supervision.

All Level II Reserve Deputies working in a law enforcement patrol capacity shall be a second person in the patrol vehicle and must ride with a full-time salaried deputy sheriff.

Level III deputies are restricted to LIMITED SUPPORT DUTIES, such as traffic control, security at parades and sporting events, report writing, evidence transportation, parking enforcement and other duties that are not likely to result in physical arrest. A full-time salaried or Level I Reserve Deputy shall supervise Level III Reserve Deputies in the accessible vicinity. Level III Reserve Deputies are not authorized to participate in any patrol operations.

Level III Reserve Deputies may transport prisoners without immediate supervision. Level III Reserves may drive a marked patrol unit to or from an assignment. Once they arrive, Level III Reserves must work in limited support duties only.

Participation in special events by Level III Reserve Deputies shall be determined by the Reserve Coordinator. Security at sporting events / parades geared toward law enforcement action should generally not include participation from Level III Reserves, i.e. events with alcohol service. Level III Reserve Deputies can participate in these events, but should be limited to duties such as traffic control, parking enforcement and command post security.

POLICY 27. EMERGENCY VEHICLE OPERATION

A. Escorting civilian vehicles

1. Emergency escorts (Code-3)

- a. Emergency escorts may be necessary, and are allowed, during periods of declared emergencies as defined in California Government Code section 8558. (21057 C.V.C.)
- b. Escorting of a private vehicle may be done for the preservation of life in a medical emergency (21057 C.V.C.). This will be done only if:
 1. all other forms of transportation are unavailable
 2. it is impossible to move the subject to an emergency vehicle as defined in 165 C.V.C.
 3. the situation requires immediate movement to preserve life

2. Non-emergency escorts

- a. Escorts may be required to move oversized or hazardous material vehicles through cities that contract for our services.
- b. The Traffic Unit may provide that service with the approval of that supervisor.
- c. Private escort services must conform to the provisions of 25270, 27904 and 27904.5 C.V.C. and be monitored by the Traffic Unit.
- d. Funerals, public officials, and dignitaries may require escorts that require the use of an emergency vehicle's red/blue lights. This must:
 1. meet with the approval of the station commander of the area served
 2. not be construed as an emergency situation that allows any violation of the applicable vehicle code laws

B. Emergency vehicle spotlight usage

1. The spotlight is a tool to assist deputies in night observations and frequently to provide a measure of safety (e.g., illuminating vehicles on stops, etc.).
2. During emergency responses, including pursuits, the spotlight is to be used only when there is no danger to other drivers on the road.

3. The spotlight is not to be directed at unsuspecting on-coming motorists.
4. The spotlight may accompany, but not supplant, the required emergency lights.

C. Hazardous warning lights

1. Hazardous warning light (4-way flashers) usage shall conform to 25251 C.V.C.
2. Hazardous warning lights may be used in conjunction with the red/blue light during an emergency response.
3. Turn signal flashers alone do not provide legal protection if vehicle code laws are violated.

D. Public address (P.A.) system

1. The emergency vehicle's P.A. may be used to:
 - a. amplify the Sheriff's Office radio traffic for deputies outside the vehicle
 - b. its usage during night time in residential neighborhoods should be avoided
 - c. alert persons inside buildings to possible impending dangers
 - d. substitute for telephonic conversation with suspect if no telephone is available, or suspect refuses to answer
 - e. broadcast crowd control instructions and warnings
2. The vehicle's P.A. system shall not be used frivolously or as a substitute for a traffic stop.
3. Deputies will not advise motorists of their erratic driving via the P.A. system.

E. Applicable vehicle code sections

1. Section 165 C.V.C. - Defines an authorized emergency vehicle to include any publicly-owned vehicles operated by the Sheriff's Office.
2. Section 21055 C.V.C. - Provides that the driver of an authorized emergency vehicle is exempt from the provision of Division 11, Chapters 2 through 10 of the Vehicle Code (these provisions include general driving rules such as speed, right-of-way, passing, etc.) provided:
 - a. the vehicle is being driven in response to an emergency situation or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law; and

- b. the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a red lamp visible from the front as a warning to other drivers and pedestrians.
- 3. Section 21056 C.V.C. - Provides that the exemption of Section 21055 C.V.C. does not release the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect the driver from the consequences of an arbitrary exercise of the privileges granted in that section.

Reference:

Section 6.43 of the Policy and Procedure Manual

California Government Code

California Vehicle Code

POLICY 28. FOUND HAZARDOUS MATERIALS

A. Definition

1. Hazardous waste is a material, which in its present form, is not to be re-used in its present form and is intended to be discarded, or is recyclable, and which due to its present chemical, physical or infectious characteristics may pose a substantial threat to public health, safety and/or the environment when improperly managed, transported or disposed.

B. Hazardous materials laws

1. The law regulates the discharge of a wide variety of hazardous materials into the surface or ground waters. Materials that come under these rules include incinerator residue, solid waste, sewage, garbage, munitions, chemical waste, biological materials, dredged soil, and radioactive materials. (See Water Code Section 13373 and 18 U.S.C. 1362(6)).
2. Laws dealing with hazardous waste management are found in the Health and Safety Code (Hazardous Waste Control Act), the Water Code, and the Food and Agriculture Code 3. The Hazardous Waste Control Act begins with Health and Safety Code Section 25100. The Act provides for several criminal offenses and civil penalties for conduct that involves the unsafe handling of hazardous waste as defined in the code.
3. The willful or negligent discharge of such pollutants into surface or underground water systems is a 1-year misdemeanor under Water Code Section 13387(a). Other offenses exist for discharging hazardous waste into state waters (Water Code Sections 13265 & 13271).
4. Health and Safety Code Section 25189.5(a) & (b) make it a felony to knowingly or negligently dispose of or cause the disposal of "hazardous waste" at a facility or location not authorized or permitted by law. Per 25189.5(c) it is a felony to knowingly or negligently transport "hazardous waste" to a facility or location not permitted for disposal.
5. Health and Safety Code Section 25191(a) makes it a crime to falsify compliance documents such as labels, permits, manifests; to possess altered or concealed compliance documents; and to transport without proper registration. In each of these offenses the suspect must know of the possession, alteration or falsification in order to be guilty.
6. It is a crime for a handler or employee to knowingly fail to report the release or threatened release of hazardous materials (H&S 25515.3(b)). Other provisions include Fish and Game Code Sections 5650 & 12002(a) & (b).

C. Hazardous materials (non-drug lab)

1. The safety of the public and deputies responding to incidents involving hazardous materials is of utmost importance.
2. Upon receiving a radio call of abandoned hazardous materials, the deputy should respond to the scene and contact the reporting party.
3. After evaluating and confirming that there may be hazardous materials at the site, the deputy shall call for the fire department to assist with identifying the specific hazardous material(s) and setting up a safe perimeter.
4. Close examination of items suspected to be hazardous materials shall be done only if there is no threat of safety to the deputy or if the deputy is properly attired. The decision to examine items suspected to be hazardous materials will be left to the judgment of the deputy.
5. If there does not appear to be a threat to the deputy's safety, the deputy shall perform an examination of the items to determine if there are indeed hazardous materials that must be disposed of properly. Any of the following may indicate the presence of such hazardous materials:
 - a. labels on containers indicating the material is poisonous or corrosive
 - b. warning notices on the containers
 - c. the presence of leakage from the container
 - d. the presence of fumes or noxious odors
 - e. the existence of corrosion on the container
6. Once the deputy has confirmed that there exists a hazardous materials incident, the deputy shall request deployment of the Hazardous Materials Management Unit (HazMat) through the Sheriff's Communications Center.
7. Upon arrival at the site, the HazMat Team will inspect and analyze the materials. They will then attempt to identify the property owner and will call out a private disposal company. If the material is too dangerous to move due to exposure, the Sheriff's Bomb Unit will be requested to respond. The Sheriff's Bomb Unit will respond or contact the appropriate party depending on the nature of the material.

D. Drug labs

1. The manufacturing and processing of certain controlled substances in drug labs involve hazardous materials. Deputies responding to a suspected drug lab shall perform the following steps:

- a. The deputy shall determine if there are persons inside the structure and attempt to make contact with them.
 - b. If the resident or residents come to the door of the suspected drug lab, the deputy may request a permissive search. If the permissive search request is denied and the deputy has probable cause that a drug lab may be present, the deputy must secure the perimeter and obtain a search warrant before going any further (excluding exigent circumstances). If no one answers the door, the deputy shall secure the perimeter and obtain a search warrant before entering the premises.
 - c. For the purposes of this policy, "exigent circumstances" are those which justify an immediate warrantless entry and securing the interior premises if the deputy reasonably believes that volatile chemicals and/or fumes are present. Once the interior premises have been secured and the volatile chemicals and/or fumes have been neutralized, the exigent circumstances no longer exist and the deputy must withdraw. A search warrant must be obtained before proceeding further.
2. Deputies lawfully entering a structure and finding what appears to be an illegal drug lab will adhere to the following procedure:
- a. DO NOT TURN ON THE LIGHTS (the structure may be booby-trapped)
 - b. DO NOT ALLOW ANYONE TO SMOKE IN THE AREA
 - c. BACK OUT IMMEDIATELY and immediately request the Narcotics Task Force (NTF/DEA) through the Sheriff's Communications Center
 - d. Once NTF/DEA arrives to take command of the incident, the deputy should debrief the NTF/DEA Team
 - e. Request the fire department to assist with further identifying items and performing any necessary evaluations
 - f. Do not allow anyone to enter the lab except authorized, essential personnel
 - g. Prior to making entry into a suspected drug lab, deputies should be alert to potential "booby traps" around and in the structure. If the deputy suspects, in any way, that the location is "booby trapped, the deputy shall immediately notify the Sheriff's Bomb Unit and back away.

E. Reports of chemical odors

1. Periodically, the Sheriff's Communications Center will receive a report complaining of a strong anesthetic odor in the area or from an apartment or out building. The responding deputy should perform the following steps for such incidents:

- a. contact the reporting party and locate the suspected apartment or other structure
 - b. if there is any evidence that the source of the odor may be a drug lab, the deputy should follow the steps outlined in Section D (Drug Labs) of this policy
2. If there is evidence of flammable vapors, the deputy shall request the fire department to respond to the scene. Deputies should evacuate nearby residents from the potentially flammable vapors. For public safety, it is advisable to clear adjacent or nearby residents.

Reference: P&P Section 6.114 - Handling of Hazardous Materials Incident

POLICY 29. SAFETY BELTS

A. Safety belt procedure

1. Deputies shall ensure all occupants of the vehicle are using the safety belt/shoulder harness before moving a motor vehicle.
2. When arriving at an emergency call, deputies may remove the restraint device just prior to stopping for quick exit and to prevent becoming entangled in the restraint device.
3. Deputies may remove the safety restraint device just prior to coming to a stop on a vehicle/traffic stop. Caution should be exercised to ensure the violator is in fact going to stop before disengaging the safety restraint device.
4. When transporting a violently combative prisoner, deputies are not required to place a safety restraint device on the prisoner, if its placement on the prisoner poses a threat to the safety of the deputy and/or prisoner.
5. Deputies will adjust the safety restraint device so that it is comfortable yet provide maximum protection in the event of an accident. Deputies will inspect the serviceability of the safety restraint devices in their vehicles at the start of each shift.

Reference: P&P Section 5.5 - Safety Belts

POLICY 30. COMMUNITY ORIENTED POLICING & PROBLEM SOLVING (COPPS)

A. Program overview

1. COPPS is not a short-term program, but a community-based law enforcement approach that recognizes that community involvement is critical to the Sheriff's Office mission of successfully addressing crime, social disorder, and other quality of life issues.
2. COPPS involves the identification of various resources and the development of partnerships within the community, and/or with other agencies, groups and individuals. It uses a systematic approach to solving problems (the SARA model: Scanning, Analysis, Response, and Assessment), which can be used to deal with issues that affects the Sheriff's Office.

B. Strategies

1. The following COPPS strategies are being utilized by the Sheriff's Office with tangible, successful results. These strategies are to be utilized in a varying mix that is suitable to the demographics and trends of the community being served. Station/Division commanders are encouraged to be innovative in their efforts to develop effective and productive partnerships with their communities, or the agencies/groups with which they collaborate to improve the quality of life for residents.
 - a. Community Policing Deputies
 - b. Crime Free Multi-Housing Programs
 - c. Community Storefront Offices
 - d. Volunteer Patrol Program
 - e. Crime Prevention and Crime Prevention Through Environmental Design Programs (CPTED)
 - f. Crime Analysis
 - g. Collaborative Groups within the Sheriff's Office
 - h. Community/Agency Coalitions
 - i. Community Forums
 - j. Problem Advisory Analysis Committee (PAAC) Group

Reference: P&P Section 6.31 - Community Oriented Policing and Problem Solving

POLICY 31. MINIMUM REQUIREMENTS FOR PATROL & FIELD TRAINING OFFICERS

- A. The Sheriff's Office has mandatory minimum requirements for patrol training deputies, including:
1. One (1) year patrol experience with the Sheriff's Office.
 2. Demonstrated knowledge of:
 - a. patrol procedures
 - b. criminal investigations
 - c. juvenile procedures
 - d. report writing techniques
- B. The Sheriff's Office has P.O.S.T. Mandated Requirements for field training deputies:
1. All Field Training Officers must attend a P.O.S.T. approved Field Training Officers Course before being assigned a trainee.
 2. All Field Training Officers (FTO) shall complete 8 hours of Crisis Response Training Class within 180 days of appointment to FTO per Penal Code 13515.27, 13515.28.

Reference: Policy & Procedure Section 10.9

POLICY 32. LABOR-MANAGEMENT DISPUTES

A. Overview

1. Picketing is not a violation of the law, and the right to picket peacefully must be upheld by law enforcement. Peace officers have no legal authority to establish a strike perimeter or limit the number of picketers. If a crime occurs during a picket, corrective action should be taken immediately.
2. All members of the Sheriff's Office should keep in mind that only strict impartiality can assure the successful policing of labor-management disputes.

B. On-scene commander's responsibilities

1. The manner in which a labor-management dispute is to be handled shall be largely within the discretion of the on-scene commander (usually a patrol sergeant, lieutenant, or designee).
2. In preparation for such labor-management disputes, the on-scene commander shall ensure:
 - a. There is proper police presence and coverage;
 - b. Interviews are conducted with the owners of the business, security, or other responsible manager or designee and the union officials, including the picket leaders or organizers, in order to achieve a thorough understanding of the parties and issues involved;
 - c. Deputies assigned to handle the dispute have been properly instructed on the specifics of the policies and procedures for handling the labor-management dispute.

C. On-scene procedures

1. Deputies' primary objectives at the scene of the labor-management dispute is to:
 - a. Prevent all violations of law such as assaults, coercion, or unlawful interference with persons or property;
 - b. Prevent all physical contact or violence between factions;
 - c. Notify Sheriff's Criminal Intelligence Unit (CIU) and the Threat Assessment Group (TAG) as soon as possible;
2. Arrests and citations shall be at the discretion of the on-scene commander;

3. Picket signs – law enforcement cannot prohibit the use, nor limit the size, of placards carried by picketers; however, the size of the post on which the placard is attached is regulated by law (no larger than ¼ inch thick and 2 inches wide, per County Ordinance 32.1102);
4. Obstruction of sidewalks – the general public has a right to the free and immediate use of public sidewalks where picket activity is being conducted. Picketers are pedestrians and, as such, may delay the ingress of persons and vehicles at a strike location. The question to be answered is whether the delay is "reasonable". Since the courts have not defined "reasonable", each incident must be evaluated individually;
5. Directions to participants in the dispute shall be given through their superiors, if present, such as the picket leader, union officer, foreman or manager;
6. Fraternalization or idle conversation with participants is strictly forbidden;
7. Acceptance of hospitality of any kind from participants is strictly forbidden;
8. Sheriff's vehicles shall be kept on the public streets and not on private property;
9. Communications shall be made by telephone, radio, or MDC;
10. All sworn Sheriff's personnel, while in uniform or while driving a Sheriff's vehicle, shall enter onto picketing property or cross union picket lines only when answering an official call or discharging an official duty.

D. Communications with labor-management parties

1. The on-scene commander shall inform all parties of their rights and limitations in connection with the dispute and shall notify them or warn them of the following:
 - a. Force or violence will not be tolerated;
 - b. All laws shall be enforced with strict impartiality;
 - c. The rights of the public using the streets or sidewalks in the vicinity shall be protected;
 - d. Unlawful conditions or acts, which lead to disorder, shall be prevented;
 - e. The hiring of strikebreakers or agitators shall not be permitted;
- f. No parties to the dispute shall be permitted to use offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

(415(3) PC);

- g. The right of striking employees to conduct orderly picketing shall be fully protected in accordance with the circumstances and conditions existing at the location.

POLICY 33. DOMESTIC VIOLENCE

A. Definitions

1. "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or another. [Penal Code section 13700(a)] *Note: An injury caused by a person acting in self-defense is neither abuse nor a crime.*
2. Cohabitant means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. [Penal Code section 13700(b)]. Factors that may determine whether persons are cohabitating include, but are not limited to:
 - a. Sexual relations between the parties while sharing the same living quarters,
 - b. Sharing of income or expenses,
 - c. Joint use or ownership of property,
 - d. Whether the parties hold themselves out as spouses,
 - e. Continuity of the relationship,
 - f. Length of the relationship.
3. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations [Penal Code section 243(f)(10), Family Code section 6210]. Casual, one-time dates or first-time encounters would *not* be considered "dating," and therefore not "domestic violence."
4. Domestic violence means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship [Penal Code section 13700(b)].
5. Temporary custody means the firearms will be taken into the custody of the Sheriff's Office for no less than for 48 hours. [Penal Code section 18265(a)].

B. Priority of incoming domestic violence calls

1. Personnel receiving calls for assistance where the potential for domestic violence exists shall obtain a sufficient amount of information from the caller

and ensure the law enforcement personnel respond to the call in a proper and timely manner.

2. When warranted, a domestic violence incident call will be given the same priority as any other life-threatening call.

C. Deputy response to domestic violence incidents

1. The Sheriff's Office implements a pro-arrest policy encouraging deputies to arrest domestic violence offenders if there is probable cause that a domestic violence offense has been committed [Penal Code section 13701(b)].
2. When an arrest is made for an offense involving an act of domestic violence, the arresting deputy is required to do all of the following:
 - a. Query the Automated Firearms System (AFS) through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.
 - b. Ask the arrestee, victim, and any other household member or witness, about any firearms owned or possessed by the arrestee.
 - c. Take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual search or other lawful search pursuant to Penal Code section 18250. (The processing of property confiscated in this manner is addressed in Section M of this policy.)
 - d. Document in detail actions a-d in the narrative of the arrest report.

[Penal Code section 273.76].

3. The investigating or filing deputy shall attach the AFS results to the arrest report and ensure it is forwarded onto the prosecuting City or District Attorney. [Penal Code section 273.76].
4. Felony arrests: If a deputy has probable cause to believe that a DV felony has occurred, an arrest **shall** be made, absent unusual circumstances.
5. Misdemeanor arrests in a deputy's presence: If there is probable cause to believe that a DV misdemeanor offense has been committed in the deputy's presence, an arrest **shall** be made.
6. Misdemeanor DV committed outside a deputy's presence: If a person commits an assault or battery upon his or her spouse, former spouse, cohabitant, former cohabitant, current or former dating or engagement relationship or upon the parent of his or her child, a deputy **may** arrest the person without a warrant where **both** of the following circumstances apply:

- a. The deputy 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; and
 - b. The deputy 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 [Penal Code section 836(d)].
7. If a misdemeanor arrest occurs, the deputy has the discretion of taking the suspect into custody, releasing on a "promise to appear," or releasing the suspect per Penal Code section 849(b)(1). Releasing the suspect on a "promise to appear" or 849(b)(1) PC should be the *extreme exception*. Factors to consider should include:
- a. Does the suspect have a prior history of arrests or citations for domestic violence related crimes?
 - b. Is the offender suspected of other criminal violations? (i.e., under the influence of alcohol or drugs)?
 - c. Does the suspect have a history of violence?
 - d. Has the victim expressed a fear of retaliation or further violence if the suspect is cited and not taken into custody?
 - e. Is the offender fit for jail? (See Section L of this Policy for alternatives to arrest/booking)
8. Citing and releasing a domestic violence suspect is discouraged because of our County's philosophy that domestic violence is a criminal violation that should be treated as a safety issue for victims and for the community.
9. If the deputy is responding to a call alleging a violation of a domestic violence court order issued in California or by the court of any other state, **and** the deputy has probable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order, the deputy **shall** arrest the person without a warrant and take that person into custody whether or not the violation occurred in the presence of the arresting deputy [Penal Code sections 836(c)(1), 13701(b)].

*Note: Per Penal Code Section 13710(b) only the court may change the terms and conditions of a protective order. The terms and conditions of the protective order remain enforceable, notwithstanding the acts of the parties and may only be changed by order of the court. This means that "protected persons" are not in violation of protective orders when they acquiesce or invite the restrained person's contact; therefore, the protected person is not to be arrested, the restrained person **shall be arrested**.*

10. An emergency protective order shall have precedence in enforcement over the provisions of any other restraining or protective order only with respect to those provisions of the EPO that are more restrictive in relation to the restrained person. [Penal Code section 136.2(c)(1)(B)].
11. When a deputy responds to an incident of domestic violence and reasonable grounds exist to believe the person is in immediate and present danger, the person will be advised of the availability of the emergency protective order (see Section O of this policy for emergency protective order procedures).

Note: The deputy does not need the permission or request of the victim to seek an emergency protective order.

12. Citizen's arrest: Any time a deputy is called out on a domestic violence call, the deputy shall make a good faith effort to inform the victim of their right to make a citizen's arrest **unless** the peace officer makes an arrest for Penal Code section 243(e)(1) or 273.5. This information shall include advising the victim how to safely execute the arrest [Penal Code 836(b)].
13. Misdemeanor crimes are not exempt from the stale misdemeanor rules. A deputy may make a warrantless arrest of a late reported domestic violence incident when there is probable cause as listed in Penal Code section 836(d). The arrest must be made immediately upon law enforcement's discovery of probable cause that a crime occurred. If circumstances caused by law enforcement lead to any delays of immediately locating suspect and making an arrest, consider obtaining an arrest warrant. Stale misdemeanor law focuses on the actions of the peace officer that lead to a delay in arrest.
14. Dual arrests are discouraged but are not prohibited [Penal Code section 13701]. It is the duty of law enforcement personnel to identify and arrest only the dominant aggressor. Dual arrests should be the extreme exception and should only be utilized as a last resort when all other investigative efforts fail.
15. Deputies shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first aggressor [Penal Code section 13701(b)]. In identifying the dominant aggressor, the deputy shall consider the following:
 - a. The intent of the law to protect DV victims,
 - b. Any threats – real or implied – which instill fear of physical violence by one partner toward another,
 - c. Any history of domestic violence between the persons involved,
 - d. Any history of controlling behavior or coercion,

- e. If either partner acted in self-defense,
 - f. Other factors law enforcement personnel should consider:
 - 1. Height/weight of the parties,
 - 2. Criminal history,
 - 3. Level of violence,
 - 4. Presence of fear,
 - 5. Existing court orders,
 - 6. Corroborating witnesses,
 - 7. Demeanor of parties,
 - 8. Use of alcohol/drugs,
 - 9. Offensive/defensive injuries (are the injuries consistent with explanation?),
 - 10. Who was the 911 reporting party?
 - 16. All DV-related calls shall be documented with an incident report pursuant to Penal Code section 13730.
 - 17. At no time shall the deputy advise any victim of domestic violence that they can "press" or "drop" charges. Deputies shall inform both the victim and suspect that once a crime report is taken, the decision to prosecute rests with the City or District Attorney, regardless of the wishes of the victim or the presence or absence of the suspect or personal beliefs of the deputy as to whether or not the case will be prosecuted.
 - 18. A deputy at the scene of a domestic violence incident involving a threat to human life or a physical assault shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual search (pursuant to Penal Code section 18250(a)). (The processing of weapons confiscated in this manner is addressed in Section M of this policy).
 - 19. While on scene, a deputy should inform all parties that DOJ requirements must be met prior to having any firearm(s) returned. These requirements may increase the timeframe in which the firearm(s) may be returned as well as incur DOJ fees associated with the process (per 33850 PC, see section N(1) for further clarification).
- D. What to do at scenes of domestic violence

1. Upon arrival at the scene, deputies shall evaluate the situation, take appropriate action to stabilize the situation and protect the safety of all parties involved at the domestic violence scene, including that of the deputy.
2. Deputies shall obtain pertinent information from the victim, children present, witnesses, neighbors, and suspects, if possible. This is critical not only to the safe and proper handling of the incident, but also the completion of mandated domestic violence reports.
 - a. Determine location and condition of victim(s) including children.
 - b. Determine if suspect is still at scene. If the suspect has fled, deputies should attempt to make and document efforts to locate the suspect.
 - c. Determine if any weapon is involved.
 - d. Summon ambulance if injuries require.
 - e. Separate the victim, suspect and witnesses.
 - f. Prevent communication between the parties, including removing victim and witnesses from suspect's line of sight and range of hearing. Re-ask about weapons once the parties are separated.
 - g. Determine what, if any, crime has occurred.
 - h. If a sexual assault is reported, determine the need for an evidentiary exam and determine if area detectives need to be contacted.
 - i. If children are present, conduct a minimal facts interview if age appropriate and cross report to Child and Family Well Being (CFWB). Consider an additional charge of 273a(b) PC Misdemeanor Child Endangerment if children are in the home or location at the time of the incident. Children can be considered victims under this section when a person willfully causes or permits a child to be placed in a situation where his or her person or health may be endangered. Consider an additional charge of 273a(a) PC Felony Child Abuse if the child is physically injured during the incident. (See more information under Child Witnesses).
 - j. Screen for Human Trafficking.
3. Interview all parties. Interview victim and witnesses separately, including any children who may have witnessed or heard the incident or any prior incidents. Do not ask the victim whether they wish to press charges. Whenever possible, family members should not be used as interpreters, particularly not children.
 - a. Victim - note and document the following:

1. The victim's physical condition, including:
 - a. Any injuries – describe in detail, photograph, and determine if medical treatment is necessary and seek appropriate care.
 - b. Evaluate whether the victim has been choked/strangled. If so, have the victim evaluated by medical personnel and complete the San Diego Countywide Strangulation Documentation Form (PAT 31). Signs and symptoms of choking/strangulation may include:
 1. Redness/bruising/scratches to neck,
 2. Raspy voice,
 3. Soreness of neck,
 4. Incontinence (urine or bowel),
 5. Petechiae (red dots) anywhere on the face, or in the eye,
 6. Difficulty swallowing,
 7. Difficulty breathing,
 8. Coughing/vomiting,
 9. Ability to recall history,
 10. Torn clothing,
 11. Smearred makeup.
 - c. Offer victim forensic health services such as a Domestic Abuse Forensic Exam (DAFE) through Palomar Health Forensic Services GC 7922.000-Privacy Interest
2. The victim's emotional state, demeanor.
3. Any evidence of substance/chemical use by victim.
4. Determine victim's relationship to suspect.
5. Record any spontaneous statements of the victim (when possible).
6. Obtain emergency contacts, telephone numbers including personal cell, home lines and work numbers, work and home addresses, and email addresses for the victim and suspect. If victim is homeless or without stable permanent address, obtain a number for a close

relative or friend. Inquire if the victim's phone number is safe to leave voicemail.

7. Note any statements made by suspect to victim during incident.
8. Ask the victim if they want to be notified when the suspect is released from jail. (The deputy can then make this request to the jail staff on behalf of the victim at the time of booking.) The victim can also register their phone number and/or their email address in the VINE (Victim Information and Notification Everyday) Program by calling VINE toll-free at 877-411-5588 or by going to the VINE website at www.vinelink.com.
9. Note any prior history of abuse. Document these incidents in detail.
10. Ensure victim responses to all lethality risk assessment questions, such as past abuse, strangulation, and firearms access, are recorded in the DV Supplemental (PAT-28).
11. Document any medical treatment and have the victim sign a medical release form. See section G of this Policy.

b. Witnesses

1. Interview all witnesses separately and record names, addresses, email addresses, phone numbers and emergency contacts.
2. Interview neighbors (ear-witnesses).
3. Record names and addresses of emergency personnel.
4. Determine from witnesses if they are aware of a history of abuse or if they are aware of any illicit drug use, prescription drug and alcohol use.

c. Child Witnesses

1. List the names and ages of children present.
2. Interview all children pursuant to the San Diego County DV and Children Exposed to DV Law Enforcement Protocol.
 - a. A Minimal Facts Field Interview is designed to establish enough information to determine immediate protective actions, if a crime may have occurred, and if a forensic interview is needed without tainting future interviews.

If another witness can disclose enough probable cause a crime was committed and make immediate protective decisions, that may be sufficient to schedule a forensic interview of the child.

- i. Location of the interview should be in a neutral environment and away from alleged suspect, victims, witnesses, and parents/guardians.

Document the child's demeanor, emotions and if anyone is trying to interfere/intimidate the child. Take photos of any injuries to the child.

- ii. Slow down and take time to build a rapport with the child. Talk to children at their physical level as well as their educational/developmental level.
- iii. Use narrative prompts and open-ended questions as much as possible. Do not introduce new information to the child.
- iv. **Do not** ask questions related to time or sequencing events. **Do not** react to child's statements that may minimize, shame or blame the child. **Do not** ask leading or suggestive questions.
- v. **Pace of Interview:** SLOW DOWN and take time to build rapport with the child.
 - a. Example questions:
 1. Tell me how come I came to talk with you.
 2. What happened?
 3. Who was there?
 4. Who did the hurting?
 5. Tell me about that.
 6. Who did _____? (use child's terminology)
 7. Where were you when _____?

3. Children in the home or location of the domestic violence incident should always be listed in a report and cross reported to Child and Family Well Being (CFWB). As mandated reporters' deputies should consider the child's safety in the residence and if immediate protective actions are necessary.

4. Follow the Child Victim Witness Protocol if a forensic interview is deemed necessary.

d. Suspect

1. Describe suspect's location on arrival. If suspect is not on scene, attempt to locate the suspect for statement and arrest when appropriate. Document efforts to locate the suspect in the incident report.
2. Describe suspect's physical condition.
3. Describe suspect's emotional state.
4. Document evidence of illicit drug use, prescription drug and alcohol use by the suspect, conduct examination, obtain blood/fluid sample, and add charge if appropriate.
5. Inquire about mental health history, diagnoses, suicidal ideation, and medications.
6. Record spontaneous statements.
7. Document, describe and photograph any injuries or lack of injuries.
8. Interview suspect. Admonish suspect and obtain a Miranda waiver, only after arrest, not during the initial investigative state.
9. Obtain emergency contact telephone numbers including personal cell, home lines and work numbers, work and home addresses, and email addresses.
10. Consider requesting a bail enhancement in situations where the amount listed in the bail schedule is insufficient to ensure the victim's safety.

E. Legally remove all firearms from DV scenes and from those party's subject to a DV restraining order [Penal Code section 18250].

1. A deputy at the scene of a domestic violence incident involving a threat to human life or a physical assault shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual search [Penal Code section 18250]. (The processing of property confiscated in this manner is addressed in Section M of this policy.)
2. A deputy should request consent to search for firearms if they or the victim believe the suspect has access to, including unregistered firearms.

3. A deputy shall consider a gun violence restraining order or seek an officer-initiated EPO (EPO-001), when responding to a residence associated with a firearms registration or record, during a response in which a firearm is present, or in which one of the involved parties owns or possesses a firearm. (See Policy 51 Gun Violence Restraining Orders).

F. Evidence

1. Describe the crime scene, noting signs indicating struggle such as:
 - a. Overturned furniture, debris, destruction of property,
 - b. Hair that has been pulled out,
 - c. Blood,
 - d. Broken fingernails,
 - e. Holes in walls,
 - f. Damaged telephones, etc.
2. Photograph crime scene if applicable.
3. Determine if firearms, ammunition, body armor, or other deadly weapons are present and seize pursuant to Penal Codes 18250 & 31360 and Family Code 6389.
4. Ensure that victim's and suspect's injuries are photographed clearly.
5. Impound and photograph all weapons and other evidence including all instrumentalities of the crime (i.e. belts, phone cords, hangers, gas cans lighters, broken lamps, etc.)
6. When using digital cameras, follow established Sheriff's Office guidelines as well as the District Attorney's and City Attorney's Office guidelines for the storage and transfer of digital images. Follow the Sheriff's Office guidelines for appropriate use of body worn cameras (See Policy 45).
7. When possible, collect surveillance video footage or submit a request to preserve it.
8. If incident occurred on an Indian Reservation, collect Tribal law enforcement statement, and request written report be sent for case file following the incident.

G. Medical Treatment

1. If medical treatment is necessary:

- a. Transport or have victim and/or defendant transported to hospital.
 - b. Obtain names, addresses and telephone numbers of ambulance or paramedic personnel treating the victim and/or the defendant.
 - c. When reasonably practical, attempt to photograph victim's and suspect's injuries (or lack of injuries) before they are transported to the hospital.
 - d. Obtain signed medical release.
 - e. Obtain copy of medical treatment form including doctor's name address and telephone number.
 - f. Interview treating physician and confirm nature and severity of injuries.
 - g. Offer victim forensic health services such as a Domestic Abuse Forensic Exam (DAFE) through Palomar Health Forensic Services ^{GC 7} [REDACTED] Palomar Health may be contacted 24/7 to consult on or arrange for medical evidentiary exam for strangulation and/or other injuries. For minors (under 18 of age) the child abuse pediatrician at Rady's Children's Hospital should be contacted ^{GC 7922.000-Privacy Interest} [REDACTED].
 - h. Minors aged 12 to 17, who are involved in teen dating violence, are able to consent to a medical evidentiary exam without parental consent (Family Code 6930).
 - i. Document whether victim made statements to treating personnel regarding injury, incident, or prior abuse.
 - j. If use of substances is suspected, request that any blood samples taken by the hospital be preserved (otherwise they may dispose of the sample after two days). Obtain a search warrant to legally obtain any samples taken pursuant to applicable law.
- H. Complete a written domestic violence report.
1. Law enforcement shall complete crime or incident reports in all domestic violence incidents [Penal Code 13730]. Law enforcement should maintain objectivity in reporting and avoid personal opinions regarding comments from victim/suspect.
- I. Complete the County approved "Domestic Violence Supplemental" and "Strangulation Documentation" forms.
1. Law enforcement shall complete the DV Supplemental (PAT 28) form and attach it to each domestic violence crime report. This form is extremely

helpful to prosecutors, assists in making issuing decisions, and can serve as useful evidence in trial.

2. Law enforcement shall complete the Strangulation Documentation form (PAT 31) any time a victim discloses an act or attempt of strangulation, "choking," or something crossing the victim's neck.
- J. Duty to advise victim's rights and safety
1. It is mandatory per Penal Code 13701 that any victim or alleged victim of a domestic violence incident will be given a copy of the San Diego Sheriff's Office Domestic Violence Resource Guide (PAT 26). The resource guide includes community resources and information on victim's rights.
- K. Teen relationship violence (TRV)
1. Jurisdiction
 - a. Domestic violence offenses such as Penal Code 273.5 and 243(e) apply equally to juvenile offenders. When a juvenile commits any crime within the state, the Juvenile Court has jurisdiction over the minor and the District Attorney's Office of City Attorney's Office is responsible for the prosecution of those cases.
 2. Response
 - a. To ensure proper handling by Juvenile Court professionals, it is important for law enforcement officers to determine and document the relationship between the parties in their report.
 - b. While pro-arrest policies equally apply to teen relationship violence cases, it should be noted that when a juvenile is arrested, it is the "Risk Screening Criteria" as set forth by San Diego Probation Department that will determine whether a juvenile will be incarcerated. There is no bail. The juvenile will stay in Juvenile Hall until he or she is arraigned or otherwise released by Juvenile Hall.
 - c. Regardless of whether a juvenile offender is detained, and the victim is a minor, deputies are encouraged to provide "victim assistance" to the minor victim including an emergency protective order and referral information.
 - d. A cross-report to Child and Family Well Being (CFWB) is **required** when one or both persons involved are juveniles.
 3. Protective orders for teens

- a. As a result of recent changes in the law, a minor 12 years old or older may seek a protective order against an abusive partner without a guardian or counsel under Civil Code of Procedures section 372. Emergency protective orders shall also be issued for teen victims when applicable.

L. Elderly And Dependent Adults DV Suspects and Victims

1. Definitions

- a. Elder: Any person 65 years or older [Penal Code section 368(g), Welfare and Institutions Code section 15610.27].
- b. Dependent Adult: a person, regardless of whether the person lives independently, who is between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights. Includes but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Includes a person between ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility [Penal Code section 368(h), Welfare and Institutions Code section 15610.23].
- c. Recognize that elder or dependent adults may have difficulty narrating events, appear to be poor historians, or lack short term memory, which adds to their vulnerability as potential victims.
- d. Get a signed medical release form from potential elder victims.

2. Fragility

- a. On occasion domestic violence offenders and victims may be extremely fragile (medically or cognitively). In some cases, it may be possible to establish that offenders are not competent, not aware of their actions and/or were previously diagnosed by a doctor or Adult Protective Services (APS)/ Aging Independent Services (AIS) as not being competent to make their own decisions (as a result of a diagnosis of dementia or a related disorder of cognitive decline). These individuals may include:
 1. Offenders who are suffering from significant diminished capacity such as dementia (e.g., Alzheimer's).
 2. Offenders who present a significant health risk due to the shock of incarceration and/or removal from their normal place of residence as a result of their advanced age or significant medical condition

- b. In addition to investigation/documenting the domestic violence incident as outlined, some or all of these options may be applicable based on the individual set of circumstances as alternatives to arrest/booking:
 - 1. Obtain Emergency Protection Order (EPO) to ensure family members keep the victim and offender in separate locations.
 - 2. Evaluate for 5150 W&I and/or medical needs and, if feasible and/or appropriate, commit offender to either a Lanterman-Petris-Short Act (LPS) designated hospital or County Mental Health (CMH) or other medical facility.
 - 3. Complete an arrest report indicating the offender was either released pursuant to Penal Code section 849(b)(1) or taken into custody and released thereafter to a competent third party who will ensure the safety of both the victim and the offender.
 - 4. Contact the Aging and Independent Services (AIS) center/hotline at (800-339-4661) for additional resources to keep the victim safe and separated from the offender if the offender cannot be incarcerated/booked or hospitalized.
 - 5. Additionally, the Elder Abuse Unit should be notified of all incidents involving any head injuries, strangulation, and other bodily injuries whether the suspect is/or is not in custody. Always err on the side of caution with elders and have paramedics conduct and evaluation (See Policy 44).
- 6. Utilize the San Diego Countywide Elder and Dependent Adult Abuse Supplemental Form for documentation of abuse and neglect that does not meet criteria for a DV relationship per Penal Code section 13700.

3. Cross Report to Adult Protective Services

- a. 1-800-339-4661 to report and follow-up by sending a written report of documented suspected abuse within two working days, or reporting through the Aging and Independence Services Web Portal at www.aiswebreferral.org, which does not require any follow up written report. [Welfare and Institutions Code 15640(c) and 15658]

M. Reporting Procedures

- 1. In all cases where domestic violence is involved or suspected, the incident will be documented on a crime/incident report utilizing NicheRMS. The information obtained for all crime reports or domestic violence incident reports will include a description of any weapons involved, if there has been

a previous response by law enforcement, if the responding deputies observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance and a notation of whether there were indications that the incident involved strangulation or suffocation [Penal Code section 13730(c)].

2. In cases where any or all parties are reluctant to provide information to deputies, or provide testimony corroborating details about the incident, deputies must still document the suspected domestic violence related incident based on the best available information [Penal Code section 13730(c)].
3. It is imperative that the deputy collect evidence (weapons, vandalized items, etc.) and take photos of the crime scene, any injuries, and all text messages or emails as they pertain to court order violations or criminal threats.
4. Reporting domestic violence crimes
 - a. When an incident has been evaluated and the deputy has reason to believe that a crime has occurred, a domestic violence crime report will be prepared.
 - b. When completing the crime report, deputies will enter the appropriate offense code in the "Offenses" section of the NicheRMS case and check "Yes" in the Domestic Violence tab.
 - c. Regardless of whether the suspect is present or not, the crime report and arrest report will be immediately forwarded to the deputy's station area detective sergeant for assignment to an area investigator.
 - d. Crime reports and arrest reports involving domestic violence must be completed and submitted for approval prior to the end of shift.
5. Reporting incidents involving domestic violence
 - a. When an incident has been evaluated and the deputy concludes that a crime has not occurred, but the incident is associated with domestic violence, it is mandated per Penal Code section 13730(c) that a crime/incident report be written and 13730 PC – domestic violence incident entered in the "Offense" section of the report. The remainder of the report, including the narrative, will be completed the same as a domestic violence crime report.
 - b. All domestic violence incident reports will be forwarded to the Area Detective Unit at the deputy's command.
 - c. In all cases documenting domestic violence, deputies will also complete the Domestic Violence Supplement Form (PAT28) to ensure

that all necessary information is included in the report and should be attached to the case in NicheRMS.

- d. In all cases documenting strangulation, deputies will also complete the Strangulation Documentation Form (PAT31) to ensure that all necessary information is included in the report and should be attached to the case in NicheRMS.

N. Processing of confiscated weapons

1. Weapons confiscated at the scene of a domestic violence incident to remove a threat to human life, or a physical assault shall be held by the Sheriff's Office for a minimum of 48 hours. If the firearm or other deadly weapon is not retained for evidence as a result of this domestic violence incident, it shall be made available to the owner or person who was in lawful possession 48 hours after the confiscation, or as soon thereafter as possible, but no later than 5 business days after the confiscation [Penal Code section 18265]. The owner or person who was in lawful possession must demonstrate compliance with Penal Code sections 33850-33895 to obtain the confiscated firearm.
2. If a weapon was confiscated at the scene of a domestic violence incident to remove a threat to human life or a physical assault and needs to be retained for evidence, the deputy will complete a crime/incident report or an arrest report when applicable, and a Receipt and Notice of Confiscation of Weapons form (PAT 29). A scanned copy of the PAT 29 should be attached to the case in NicheRMS.
3. The weapon will be retained at Main Evidence. The crime/incident report or arrest report, and PAT 29 will be assigned to an area detective at the station.
4. The assigned detective will be responsible for processing the release of the weapons and completing the Property Release/Receipt Form (EVID 3).
5. If it is determined that the weapons may be released, the assigned detective will forward the completed release to the firearms release clerk at Main Evidence.
6. Pursuant to Penal Code section 18400, law enforcement may petition Superior Court to seize the weapons if there is reasonable cause to believe that the return of the weapons would likely result in endangering the victim or the person reporting the call of the assault.
 - a. The assigned detective shall be responsible for initiating the process to attempt the permanent seizure via Superior Court petitioning.

O. Surrender of weapons per court order

1. When firearms, ammunition, magazines, or other deadly weapon(s) are surrendered as directed in a domestic violence restraining order, the deputy shall take custody of the items.
2. Upon taking custody of firearms, ammunition, magazines or other deadly weapon(s), the deputy will give the owner or person who possessed the firearm or deadly weapon a receipt describing the confiscated property and list any identification or serial number(s). The receipt shall include where and when the confiscated property can be recovered. [Penal Code section 18255]. Deputies shall utilize the Sheriff's Office form, Receipt and Notice of Confiscation of Weapons (PAT 29).
3. If the person refuses to provide consent to search or refuses to relinquish the firearms, ammunition, magazines, or other deadly weapon(s) pursuant to the protective order, consider detaining or placing the person under arrest for violating the protective order and obtaining a search warrant in accordance with Penal Code section 1524(a)(14). The deputy may obtain an anticipatory search warrant beforehand if the deputy believes the person will refuse to cooperate. Search warrants shall be obtained by following the procedure set forth in section G.2.1 of the Sheriff's Detective Manual.
4. If a search warrant is obtained, preparation and service shall be in accordance with Penal Code section 1542.5. If a search warrant is served, Receipt and Inventory Form (SDC CRM-172) shall be completed to reflect the property seized by the deputy instead of the form PAT-29. The pink copy shall be left with the restrained person or upon the premises searched along with a copy of the search warrant.
5. If a person sells, transfers, or relinquishes for storage a firearm or ammunition to a licensed gun dealer they must file a copy of the gun dealer receipt with the law enforcement agency that served the protective order within 48 hours after being served the order. Law enforcement will ensure the receipt is submitted to the court and documented on the appropriate protective order court case. Failure to file the receipt with the local law enforcement jurisdiction shall constitute a violation of the protective order.
6. A crime/incident report must be completed utilizing NicheRMS with the words "29825(d) P.C., Surrender of Weapons per Court Order" listed in the "Offense" tab of the NicheRMS case. The remainder of the report, including the narrative, will be completed the same as a crime report.
7. These reports will be forwarded to the Area Detective Unit and filed in the same manner as a crime report.
8. At the direction of the court or at which time the court order expires, the assigned detective will be responsible for processing the release of the weapon(s), by reviewing the criminal history of the person requesting the

weapons to ensure the weapons are eligible to be released to them and completing the Property Release/Receipt Form (EVID 3).

9. If the court notifies law enforcement that a restrained party has not provided evidence of firearms relinquishment, law enforcement shall take all actions necessary to obtain the firearms and ammunition pursuant to Family Code 6306(f) (SB 320 effective 1/1/22).

P. Emergency Protective Orders

1. Emergency protective orders may be issued verbally by telephone or otherwise on a 24 hours a day, 7 days a week basis. The judge may issue an ex parte emergency protective order when a deputy asserts reasonable grounds to believe that a person is in immediate and present danger of domestic violence, based on the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought. [Family Code Section 6250(a)]
2. The fact that no crime has yet been committed does not eliminate the need for the order. The determination of recent violent acts or threats of violence coupled with the likelihood of imminent violence is the only criterion required to request an emergency protective order.
3. If a protective order is obtained, the deputy shall prepare a crime/domestic violence incident report on the incident.
4. Procedure for emergency protective orders:
 - a. This procedure may be utilized 7 days a week, 24 hours a day. If a protective order is being sought, the deputy will complete form EPO-001 Emergency Protective Order (revised 01/01/2014).
 - b. The deputy can obtain an EPO by contacting the on-duty judge GC 7922.000-Privacy Interest during daytime and after hours. This is a non-public number.
 - c. Upon approval by the judge, the deputy will complete form EPO-001 Emergency Protective Order. This order may be granted for up to five full court days and will expire at 5:00 p.m. on the last specified court day.
 - d. The deputy will provide the pink copy of the application and the order to the protected party and the canary copy to the restrained party (if present). Penal Code section 13710(c) requires a deputy to make a reasonable effort to serve the restrained party. The deputy will submit the white copy of the application to the court. The goldenrod copy of the application will be scanned and attached to the crime/incident report or arrest report in NicheRMS.

- e. A copy of the completed emergency protective order must be faxed, as soon as possible to the Sheriff's Warrant Office GC 7922.000-Privacy Interest
- f. The deputy will encourage the protected party to carry a copy of the emergency protective order with them.

Q. Follow-up investigation

- 1. All domestic violence reports prepared pursuant to Penal Code section 13700 et seq., involving a relationship as set forth in Penal Code section 13700(b) shall be referred to the Area Detective Unit for review and follow-up investigation. Detectives should refer to the countywide San Diego Domestic Violence and Children Exposed to Domestic Violence Law Enforcement Protocol as a guideline.

POLICY 34. INVENTORY & STORAGE OF SUSPECT'S VEHICLE(S)

A. Procedure

1. When a suspect's vehicle(s) requires towing or storage, the deputy authorizing the storage shall ensure the contents of the vehicle are inventoried prior to the vehicle's removal from the scene by the tow company.
2. The reporting deputy shall document any contents of the vehicle which appear to have obvious value (i.e., money, jewelry, tools, cargo, etc.).
3. Firearms or other high-value property may be stored for safekeeping at a patrol station. If property is taken for safekeeping, the report shall include the location at which the property is to be stored. The deputy shall complete form *Evid 7, Safekeeping Notification and Release Form*, if any items are to be held for safekeeping.

Reference: P&P 6.36 – Storage Policy

POLICY 35. BICYCLE PATROLS

A. Mandatory requirements

1. Prior to assignment to a bicycle team, each assigned deputy will be required to attend a Sheriff's Office approved training class for law enforcement bicycle operations.
2. Deputies shall be familiar with and understand Article 4 – Operation of Bicycles, and Section 21200 of the California Vehicle Code, pertaining to the laws applicable to bicycle use and to the due regard for the safety of the public.
3. Bicycle deputies must be in the proper physical condition in terms of strength, stamina, and overall health to perform the physical duties of bicycle patrol.

B. Procedure

1. When conducting bicycle patrol, deputies will comply with all laws and/or policies and procedures pertaining to the operation of the bicycle on the roadway or off the roadway.
2. General operating procedures
 - a. Bicycle patrol shall be conducted in teams GC 7922.000-Safety/Security Interest Under no circumstances should a deputy on bicycle patrol ride alone.
 - b. Deputies riding Sheriff's Office bicycles shall wear uniforms approved by the Sheriff's Office, including soft body armor (subject to the provisions of P&P 3.29), and shall wear at all times a regulation bicycle helmet. This both protects the officer from injury and sets a positive example for the public.
 - c. Bicycle deputies shall not hold onto or balance themselves on other motor vehicles, including police vehicles.
 - d. Bicycle deputies will obey all traffic laws pertaining to the operation of bicycles.
 - e. Bicycle deputies shall not allow themselves to be towed by motor vehicles.
 - f. Bicycle deputies will perform the same patrol duties as all other patrol officers except for those that cannot be performed on a bicycle.
 - g. Red-blue lights and/or a siren on patrol bicycles if available 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."

3. Emergency operating procedures

- a. Bicycle deputies will not pursue any motor vehicle. Deputies operating bicycles may initiate enforcement action, but should avoid attempting to stop moving vehicles.
- b. Bicycle deputies will not make felony vehicle stops without the assistance of deputies in patrol vehicles.

4. Sidewalk procedures

- a. 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.
- b. Depending on the jurisdiction and type of area (business districts, etc.), riding a bicycle on a sidewalk may be unlawful, deputies assigned to bicycle duty should familiarize themselves with local regulations.
- c. Even if not expressly prohibited, to the greatest extent possible, Bicycle Deputies should operate their bicycles on the street.
- d. 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. Whenever riding on the sidewalk, deputies shall do so at a reduced speed.
- e. When responding to emergency calls, deputies should ride on the street.

5. Bicycle maintenance

- a. On a daily basis, bicycle deputies will conduct a safety check on their bicycles before riding and examine the following:

Tire pressure	Chain
Wheel rim/spokes	Wheel adjustment releases
Brakes	Seat adjustment
Gears/derailleurs	

- b. At the end of each shift, deputies shall wipe down their bicycles to remove any dirt and debris that could hinder the performance and/or the life of the bicycles. Any moisture should be wiped off to prevent rusting.
- c. On a monthly basis, the bicycles will be cleaned and checked for routine repairs. On a yearly basis, a full overhaul will be conducted on the bicycles.
- d. Stations with bicycle deputies shall have a service agreement with a local bicycle shop to perform the necessary maintenance and repairs.

- e. Stations with bicycle deputies shall have and update a bicycle maintenance log to document repairs for each bicycle.

POLICY 36. CRIME LABORATORY CALLOUT PROTOCOL

A. Overview

1. The Sheriff's Crime Laboratory provides technical assistance primarily for Major Crimes Division (MCD) cases, sexual assault cases, specialized investigation procedures, and under certain circumstances local investigations. The Crime Laboratory can also provide training consultation on evidence collection and preservation, and DNA collection kits (which can be used as Reference Oral Swab Kits).

B. MCD cases

1. The Crime Laboratory will respond to all field service requests involving cases investigated by MCD detectives. Crime Laboratory personnel responding to MCD field service requests will provide photography, fingerprinting, evidence collection, crime scene diagramming, and other related services.
2. The Crime Laboratory will dispatch forensic evidence technicians (FET) and criminalists to crime scenes investigated by MCD detectives based on the needs of the investigation. Typically, one FET and one criminalist, at most, will be dispatched. Arson requests are routinely limited to FET response only.
3. For officer involved shootings (OIS) investigated by the Homicide Unit, the Crime Laboratory will dispatch one FET and one criminalist to process the scene which includes a shooting incident reconstruction.
4. The on-call homicide sergeant is to be notified of non-injury officer involved shootings. Based on information received, the sergeant will determine the Homicide and Crime Laboratory resources needed.

C. Sexual assault cases

1. Crime Laboratory field personnel will respond as needed to field service requests involving the investigation of sexual assault cases, including processing of vehicles.
2. The Crime Laboratory will not respond to field service requests for assistance with a sexual assault case if the case is being worked by patrol personnel only. Supervising criminalist approval is necessary for an exception in these types of cases.

D. Specialized investigation requests

1. The Crime Laboratory may, on a case-by-case basis and as resources permit, respond to field service requests involving investigations that require specialized procedures and/or equipment not available to an outside agency or area station personnel. For such requests, the Crime Laboratory is authorized to provide only the specifically requested service or test and will not provide other field call services, such as fingerprinting, photography, diagramming, or evidence collection (these duties must be performed by the investigator or other law enforcement personnel working the scene). Supervising criminalist approval is necessary for these types of cases.

E. Local investigations

1. In rare instances where the case rises to the level of a "Major" incident, Crime Laboratory personnel may be dispatched to assist in local investigations. In those instances, the station lieutenant or captain must initiate the request with the supervising criminalist.

F. Vehicle storage request at Crime Laboratory garage

1. **GC 7922.000-Privacy Interest** vehicle tows to the Crime Laboratory vehicle examination garage will be permitted only for the following instances:
 - a. The Crime Laboratory has explicitly given permission to the Property and Evidence Unit to tow vehicles involved in MCD cases. Permission will be granted based on the availability of spaces and priority of the vehicle's need for storage at the Crime Laboratory.
 - b. The Crime Laboratory has explicitly given permission to the Property and Evidence Unit to tow vehicles involved in sexual assault cases. Permission will be granted only if the assault occurred inside the vehicle and based on the availability of spaces and priority of the vehicle's need for storage at the Crime Laboratory.
2. When vehicle storage space is not available at the Crime Laboratory, alternative storage sites shall be utilized.

G. Other Crime Laboratory services

1. The Crime Laboratory offers the following non-field investigatory assistance:
 - a. Training for evidence collection and crime scene processing.
 - b. Consultations by phone on evidence collection and crime scene processing matters on a 24/7 basis. Consultations may be requested **GC 7922.000-Privacy Interest** during business hours or the Communications Center **GC 7922 000-Privacy Interest** after hours.

- c. DNA Collection kits are available at each area station and detention facility. Please email the Forensic Biology Unit contact to order additional DNA Collection kits. The email address of the current contact can be obtained by calling the Crime Laboratory [REDACTED] GC 7922.000-Privacy Interest [REDACTED]

POLICY 37. IDENTITIES OF SEX CRIMES VICTIMS

A. Legal requirements

1. Government Code sections 7920.000-7931.000 govern the release of public records and information. Government Code sections 7923.600-7923.630 identify exemptions and exceptions for crime and/or arrest reports taken by law enforcement. Information such as the names of victims, the types of crimes reported, and their location are generally available to the public.
2. However, certain sexual assault victims have the right to keep their personal information from the general public. The parent or guardian of a minor can also request to have a minor's identity withheld if the minor is a victim of a crime. These rights are outlined in 293 P.C. and 7923.615 G.C. and apply to the following sections: 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9 and 647.6.

B. Procedure

1. Deputies responding to and taking a report of a sexual assault incident shall perform the following:
 - a. Notify the victim of the following, either verbally or in writing:

“Pursuant to California Penal Code Section 293 and 293.5, you have a right to request that your name and residence address not become part of a public record pursuant to California Government Code Section 7923.615. Before criminal proceedings are initiated in your case, a prosecutor from the District Attorney’s office will fully explain the advantages and disadvantages of electing to keep your name out of public records.”
 - b. Document notification of the victim in the narrative section of the report with the victim’s response as follows:

“On (date) at (time) I advised (victim’s name) regarding (his/her) rights pursuant to California Penal Code section 293 and 293.5. (his/her) response was ().”

POLICY 38. USE OF MOBILE DATA COMPUTERS

A. Use of the Mobile Data Computer

1. Use of the Mobile Data Computers shall be for official purposes only. All CAD and Mobile Data messages/communications shall be professional in nature, in compliance with Federal Communications Commission rules, and should never be an embarrassment to the Sheriff's Office or its employees.
2. Personal communications, use of profanity, sexual, racial, degrading language or other unprofessional use is prohibited.
3. Employees shall have no expectation of privacy when using CAD or Mobile Data Computers. All messages and/or documents are property of the Sheriff's Office and subject to review by management.
4. Mobile Data Computer users shall not change any of the operating systems settings or electronic connections. Users shall not tamper with or defeat any of the system components, including the GPS/Automatic Vehicle Locator device. Users shall not install personal or unauthorized software on the Mobile Data Computer.

B. When to use the Mobile Data Computer

1. Deputies using Mobile Data Computers shall log into the system at the beginning of shift and shall log off at the end of shift. All applicable fields of the LOG ON and LOG OFF form shall be completed. Employees shall use their own I.D. and password on all computerized systems within the Sheriff's Office, which provide a sign-on and password verification system. Reference: SDSO Policy and Procedure Manual Sections 6.24 and 7.6.
2. The Mobile Data Computer shall be left on and the application shall remain active during the shift. If the deputy expects to be away from the vehicle for an extended period, the Mobile Data Computer may be turned off to conserve battery power after making the appropriate status entry.

C. Use of Mobile Data Computer while driving

1. When driving a vehicle, deputies may operate their Mobile Data Computers to access only law enforcement databases and/or change the unit's status if immediately necessary and if the procedure(s) can be performed safely. Deputies are otherwise prohibited from using their Mobile Data Computers (e.g., sending messages to other CAD or Mobile Data Computers) while driving a vehicle. If there is a two-person unit, the passenger will operate the Mobile Data Computer.

D. Mobile Data Computer security

1. The Mobile Data Computer display is easily viewable from outside the vehicle. Unless exigent circumstances exist, the Mobile Data display shall be dimmed or turned off when the deputy leaves the immediate vicinity of the patrol vehicle to prevent unauthorized viewing of confidential information.
2. When the deputy leaves the immediate vicinity of the patrol vehicle wherein security of the Mobile Data Computer cannot be maintained, the application must be placed in the LOCK mode or the Mobile Data Computer may be turned off to conserve battery power after making the appropriate status entry.

References: Policy and Procedure Manual Sections 5.2, 6.24, 7.6, 7.13

POLICY 40. LATENT FINGERPRINTS

A. Overview

1. Latent fingerprints are one of the most effective forensic tools available to law enforcement. Their existence often makes the difference between crime cases being classified as “workable” as opposed to “non-workable.” Good work with latent fingerprints can make the difference between identifying and charging a perpetrator with a crime, or letting him/her get away without consequence. To manage the analysis and development of latent fingerprints within the Sheriff's Office, field personnel are expected to adhere to the following:
 - a. Procedure
 1. In situations involving the response of an investigative unit, patrol deputies should discuss the collection of evidence with the respective investigator(s) before proceeding. In some situations, it may be more appropriate for the investigators to process the crime scene themselves.
 2. While conducting preliminary investigations, deputies will make every reasonable effort to develop latent fingerprint evidence at the crime scene and/or from recovered stolen vehicles and/or property. This includes items that are not easily or safely packaged for submission to the Crime Laboratory. In situations where the deputy does not feel comfortable or the scene conditions do not allow for the success of fingerprint collection, items that are easily and safely packaged should be submitted to the Crime Laboratory for examination.
 3. Deputies obtaining fingerprint evidence at the scene may enlist investigative personnel to assist with the fingerprinting work.
 4. In extraordinary situations, where the lifting of latent fingerprints appears particularly difficult or burdensome, a supervising criminalist may authorize Crime Lab personnel to respond or otherwise assist station personnel.
 5. Questions about latent fingerprint processing in the field can be addressed over the phone 24 hours a day, 7 days a week, by contacting the Communications Center and asking for the on-call forensic evidence technician to call the deputy.
 6. Objects may be submitted to the Crime Lab from patrol stations/substations for latent fingerprint development. Decisions regarding this process should be made by the deputy on scene or the case investigator. Factors to consider on whether items should be processed in the field or submitted to the Crime Laboratory should be

based upon the severity of the crime and/or series of crimes, the nature of the objects to be processed, and the complexity of the procedure necessary to develop the latent fingerprints. If items are submitted to the Crime Laboratory for latent print development, "HOLD FOR PRINTS" stickers should be applied to the packaging of the item.

7. The procedure outlined in this policy applies solely to patrol personnel and not to situations involving the activation of the Homicide Detail.

POLICY 41. FOUND MILITARY ORDNANCE

A. Overview

1. The Sheriff's Bomb/Arson Unit responds to found military ordnance throughout San Diego County and seventeen incorporated cities. Most found ordnance calls are handled routinely by dispatching a Sheriff's bomb technician.
2. The procedure outlined in this policy is intended as a guide and may vary with each individual situation.

B. Procedure

1. Deputies arriving at the scene of a suspected piece of military ordnance may approach the item if they feel safe doing so. The statement from the reporting party may be enough. If the deputy approaches the device, they should visually examine the item **WITHOUT TOUCHING IT**, and carefully note the details of the item (dimensions, shape, markings, etc.). You can take pictures of the item with your phone in airplane mode.
2. In static situations, you should consider turning off your radio when approaching the item.
3. Deputies shall contact the Communications Center and provide a description of the suspected ordnance. The Communications Center will notify on call Bomb/Arson personnel.
4. While awaiting the arrival of the Sheriff's bomb technicians, deputies will establish and maintain a perimeter based on the location, buildings, vehicles and any other conditions that would afford a solid barrier. Remember; time distance and shielding. **GC 7922.000-Safety/Security Interest** The Sheriff's bomb technician may adjust the perimeter after evaluation of the suspected ordnance.
5. Deputies will not allow unauthorized individuals to approach the item.
6. While at the scene, deputies shall collect all the necessary information to complete a found explosives report. Deputies will not draw a case number at this time because the suspected ordnance may turn out to be a "plumb bob" or "toy" hand grenade, which would eliminate the need to file an incident report.

C. U.S. Marker Marine Flare Procedure


1. Patrol deputies responding to a found U.S. Marker Marine Flare that washed up on a beach must proceed with caution because of the risk of serious burns

and/or exposure to toxic fumes. Flames may set surrounding areas on fire. These devices contain white phosphorus. White phosphorus can spontaneously ignite with air, producing toxic fumes, reacts violently with oxidants, halogens, some metals, nitrites, sulfur and many other compounds, causing a fire and explosive hazard.

2. Deputies should never touch the flare if still burning and/or smoking.
3. Deputies shall contact the Communications Center and provide a description of the suspected ordnance. The Communications Center will notify on call Bomb/Arson personnel.
4. Deputies will establish a perimeter GC 7922.000-Safety/Security Interest If the flare is burning/smoking, the perimeter must be large enough to contain the smoke. Under no circumstances should anyone be able to inhale the smoke from the flare.
5. If the flare is in the surf and threatening to wash out to sea, deputies shall do their best to maintain visual contact with the flare. Under no circumstances should a deputy attempt to grab or handle the flare.
6. Once the situation has been stabilized to the extent possible, deputies will stand by for the Sheriff's bomb technicians to arrive and handle the flare hazard.
7. Deputies will not transport any of these flares in their patrol vehicles. Bomb technicians will use special canisters for securing and transporting military flares to the Sheriff's Bomb Disposal Range.

POLICY 42. RECOVERY BRIDGE CENTER (RBC) – SOBERING FACILITY (PER PENAL CODE (647(f))

A. Overview

1. An adult or emancipated minor who is in a public place under the influence of alcohol and/or drugs and is unable to care for their own safety, as set forth in Penal Code Section 647(f), shall be taken into civil protective custody per Penal Code Section 647(g).
2. As an option the subject may be taken to the RBC for evaluation and admission if the subject is cooperative, meets the RBC admission guidelines and the deputy feels jail is not the best option.
3. The only current RBC is operated by the GC 7922.000-Privacy Interest, GC 7922.000-Safety/Security Interest
 It is open 24 hours a day, seven days a week, with around-the-clock supervision.

B. Admission criteria

1. The RBC has admission criteria for persons found to be under the influence of alcohol and/or drugs within the meaning of Penal Code Section 647(f). The criteria are as follows:
 - a. Subjects acceptable for admission
 1. eighteen years or older
 2. non-violent
 3. intoxicated
 4. does not need medical care
 5. agree to stay at the facility for a minimum of four hours
 6. able to walk without assistance
 7. agree to not engage other guests in conversation while at the RBC
 8. agree to follow the admittance guideline
 9. if able to pay, the RBC may charge the subject \$35.00 for their stay (The monetary amount is subject to change)

b. Subjects not acceptable for admission

1. needs medical attention
2. overly intoxicated
3. unable to walk on their own
4. unable to answer admission questions
5. does not agree to follow the rules

C. Procedure

1. Deputies shall search the subject and remove any weapons before taking the subject into civil protective custody.
2. Prior to taking the subject to the RBC, the deputy should contact the facility at GC 7922 000-Privacy Interest and confirm the subject meets the facility's criteria and there is bed space available.
3. The subject will remain under the apprehending deputy's jurisdiction until formally accepted by the RBC admitting official.
4. The deputy shall escort the subject into the RBC, where attending staff will determine if the subject meets their admission criteria. Any personal property belonging to the subject is to be released to the admitting official at the RBC.
5. If the subject is accepted for admission to the RBC, the apprehending deputy shall make an arrest report with an abbreviated narrative statement, i.e., "Subject was accepted for admission and released to the RBC, per 647(f) PC."
6. If it is determined that the subject does not meet the admission criteria, the apprehending deputy's arrest report shall include a complete narrative stating that the subject was not acceptable for the RBC program.
7. If a subject who has been placed in the RBC by the Sheriff's Office subsequently becomes violent or unruly, the RBC will notify the Sheriff's Office and request the deputy return to pick up the person. The deputy shall return to the RBC, take custody of the subject and transport the subject to the appropriate Sheriff's booking facility.
8. If the subject leaves the RBC before the four hour stay requirement, the RBC will notify the Sheriff's Office.

POLICY 43. OPERATING PROCEDURES FOR THE SHERIFF'S OFFICE MOBILE COMMAND VEHICLES

A. Overview

1. The Sheriff's Office has three Mobile Command vehicles available for use by Sheriff's stations and other law enforcement agencies in the county. They are centrally located to make them available to respond to any crisis in the county in a short period of time.

B. Requests to use the Mobile Command vehicles

1. Requests to use the vehicles for pre-planned events from any regional agency shall be scheduled with the Emergency Planning Detail and the Vehicle Coordinator.
2. Emergency requests from Sheriff's commands or regional agencies will be made via the Sheriff's Communications Center. After hours and weekend call-outs will be performed by the Vehicle Coordinator.
3. Emergency requests from any agency in the county will take precedence over any pre-planned event reservation, including those of the Sheriff's Office.

C. Mobile Command Facility

GC 7922.000-Safety/Security Interest



D. Readiness and maintenance

1. The Administrative/Operations personnel for the location where the Mobile Command is housed will have primary responsibility for the maintenance of the vehicles. This includes:
 - a. Keeping adequate trained staff on hand to ensure delivery of a Mobile Command vehicle to any location in the county within two hours of the request.
 - b. Maintaining an inventory of equipment on the vehicle.
 - c. Ensuring supplies used are replaced by the station or agency that used them.
 - d. Inspecting the vehicle when it is returned to the station after deployment.

- e. Ensuring all vehicle maintenance is completed in accordance with the Mobile Command vehicle maintenance checklist.

E. Deployment of the Mobile Command vehicles

1. The following procedures will be followed for both emergency and routine deployments:
 - a. Trained Sheriff's personnel shall deliver and pick up the vehicle from the designated command post. If the agency/station requesting the Mobile Command does not have sufficiently trained personnel, the station where the Mobile Command vehicle is housed or the vehicle coordinators office will provide staff to deliver the vehicle.
 - b. If the requesting agency or station does not have personnel available who are familiar with RV operation, or if the vehicle will be moved during the incident or event, Sheriff's staff will remain on site for the duration of the deployment.
 - c. When the vehicle is no longer needed, the using station or agency will ensure the vehicle is delivered to the housing station by trained Sheriff's personnel.
 - d. Damage to the Mobile Command vehicles will be handled in compliance with Policy and Procedure Section 5.4 "Collisions Involving Sheriff's Vehicles," a crime report or other applicable documentation. Repairs of such damage must be coordinated through the Vehicle Coordinator's Office.

POLICY 44. ELDER AND DEPENDENT/ADULT ABUSE AND RESPONSE

A. Elder and dependent adult defined

1. Elder is defined in California Welfare and Institutions Code (WIC) Section 15610.27 to mean any person residing in this state, 65 years of age or older.
 - a. Due to advanced medicine and other factors, the population is aging. Individuals in San Diego County aged 65 years or older now represent 13% of the population. San Diego County is the second most populous county in California and fifth in the United States. One in every 115 senior citizens in the US lives in San Diego County.
 - b. As people age, many will need additional care. This care can be provided by relatives, caregivers for a fee, or large specialized facilities. The elderly are prime targets to become victims of theft, assault and other crimes. Law enforcement must recognize their vulnerability and strive to identify problems and take action when appropriate.
2. Dependent adult is defined in WIC Section 15610.23 to mean any person residing in this state, between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. A dependent adult also includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility.

B. "Elder and dependent adult abuse" means any of the following per 368.5 PC:

1. Physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting harm or pain or mental suffering.
2. The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.
3. Financial abuse.

For the purposes of this subparagraph, the terms "abandonment," "abduction," "financial abuse," "goods and services necessary to avoid physical harm or mental suffering," "isolation," "mental suffering," "neglect," and "physical abuse" have the same meanings as in Article 2 (commencing with Section 15610) of Chapter 11 of Part 3 of Division 9 of the Welfare and Institutions Code.

C. Most common elder and dependent adult crimes

1. Financial abuse

- a. 368(d)PC: Any person who is not a caretaker who violates any provision of law proscribing theft or embezzlement, with respect to the property of an elder or a dependent adult, and who knows or reasonably should know that the victim is an elder or dependent adult, when the property taken is of value exceeding \$950.00 (Felony). *Note: "Any Person" in some cases may include a spouse.*
 - b. 368(e) PC: Any caretaker of an elder or a dependent adult who violates any provision of law proscribing theft or embezzlement, with respect to the property of an elder or a dependent adult, when the property taken is of value exceeding \$950.00 (Felony).
2. Physical and mental abuse
- a. 368(b)(1)PC: Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions 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 is endangered (Felony).
 - b. 368(c) PC: 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 (Misdemeanor).
3. It is important to remember that misdemeanors involving violent or potentially violent elder abuse crimes can be booked into county jail.
- a. This applies to the following charges:
 - 1. 368(c) PC – Misdemeanor Physical Elder Abuse or Neglect
 - 2. 273.6(a)/ 166(A)(4) PC – Violating a Restraining Order/Court Order
 - 3. 243.25 PC – Battery Against Elder or Dependent Adult
 - b. Misdemeanor Arrest Warrants for 368(c) PC and 273.6(a) PC

1. Per 836(d) PC, a field arrest can be made for misdemeanor elder abuse crimes involving assault or battery that were not committed in your presence. There are four basic rules:
 - a. Victim must be 65 or older
 - b. Victim and suspect must be related by blood or legal guardianship
 - c. The deputy must have probable cause to believe that the person to be arrested committed the assault or battery
 - d. The deputy must make an arrest as soon as probable cause arises

D. Mandated reporting

1. Deputies are "mandated reporters"
2. Failure to report elder/dependent adult abuse is a misdemeanor under WIC Section 15630.
3. Mere suspicion of abuse must be documented on a SOC 341 (Report of Suspected Dependent Adult/Elder Abuse). First responders must notify the Adult Protective Services Elder Abuse Hotline GC 7922.000-Privacy Interest of the Sheriff's Office involvement as soon as practical, but no later than the end of shift. Deputies should fax the SOC 341 form to Adult Protective Services at GC 7922 000-Privacy Interest. Ensure that the Sheriff's case number is included.
4. For abuse within licensed facilities, the SOC 341 form should be faxed and/or called into the overseeing state organization to comply with Welfare and Institutions Code 15630(b)(1)(A).
5. If the abuse has occurred in a long-term care facility, except a state mental health hospital or a state development center, the report shall be made to the local ombudsperson or the local law enforcement agency.
6. The local ombudsperson and the local law enforcement agency shall, as soon as practicable, except in the case of an emergency, in which case these actions shall be taken immediately, do all of the following:
 - a. Report to the State Department of Public Health any case of known or suspected abuse occurring in a long-term health care facility, as defined in subdivision (a) of Section 1418 of the Health and Safety Code.
 - b. Report to the State Department of Social Services any case of known or suspected abuse occurring in a residential facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or in an adult care facility as defined in paragraph (2) of subdivision (a) of Section 1502.

- c. Report to the State Department of Public Health and the California Department of Aging any case of known or suspected abuse occurring in an adult day health care center, as defined in subdivision (b) of Section 1570.7 of the Health and Safety Code.
- d. Report to the Bureau of Medi-Cal Fraud and Elder Abuse any case of known or suspected criminal activity.
- e. Report all cases of known or suspected physical abuse and financial abuse to the District Attorney's Elder Abuse Unit.

E. Contact information and method of communication

1. Long Term Health Care Facility, Adult Day Health Care Center:

State Department of Public Health
Method: Phone and Fax SOC 341

North of Interstate 8
Phone GC 7922.000-Privacy Interest
Fax GC 7922.000-Privacy Interest

South of Interstate 8
Phone GC 7922.000-Privacy Interest
Fax GC 7922.000-Privacy Interest

2. Residential Care Facility for the Elderly, Adult Day Care Facility:

State Department of Social Services
Method: GC 7922.000-Privacy Interest

3. Long Term Care Facility, State Mental Health Hospital, State Developmental Center, Skilled Nursing Facility, Adult Board and Care:

Department of Justice – Medical Fraud
Method: Phone and Fax SOC 341:
Phone GC 7922.000-Privacy Interest
Fax GC 7922.000-Privacy Interest

4. Adult Protective Services (APS), a division of the County's Aging & Independence Services, is the designated agency to accept reports of suspected abuse of elders and dependent adults that happens in a person's home or out in the community (except for nursing homes, board and care homes and other healthcare-related residential facilities).

Method: Phone and Fax SOC 341:
Phone GC 7922.000-Privacy Interest
Fax GC 7922.000-Privacy Interest

5. The San Diego County Long Term Care Ombudsman program advocates for residents in Long Term Care Facilities, such as nursing homes, as well as investigates abuse in other licensed facilities. An Ombudsperson listens to

concerns, provides information and assistance when requested and will investigate and resolve complaints related to care or personal rights.

County of San Diego Long-Term Care Ombudsman
9335 Hazard Way
San Diego, CA 92123-1222
Method: Phone
GC 7922.000-Privacy Interest

F. Preliminary investigation and summary

1. This type of call is similar to a report of child abuse – there are many parallels between children, elders and dependent adults.
 - a. The deputy is to be thorough and persistent (the deputy may encounter locked doors, uncooperative/incoherent victims, adult care providers talking on behalf of the victim, etc.)
 - b. If the deputy is unable to make contact with the reported victim, the call will remain open.
 - c. After contacting neighbors and others, the deputy will write actions in CAD and pend the call.
 - d. Write a SOC 341 and notify Adult Protective Services and Elder Abuse. The call will remain open until the reported victim is contacted. If this extends beyond the assigned deputy's shift, the call will be closed with a disposition of follow-up needed. The shift supervisor shall be notified before EOS and follow-up will continue until the victim is contacted. The follow-up investigation(s) should be referenced to the original incident number.
2. If this follow-up status continues for an extended period of time, as determined by the field supervisor, the Sheriff's Elder Abuse Unit supervisor shall be notified.
3. If you observe suspicious circumstances, err on the side of caution.
4. Some points to remember:
 - a. Safely and expeditiously respond to the complaint
 - b. Ensure the safety of the victim
 1. If assistance is needed
 - a. Notify the appropriate entity (medical, Adult Protective Services, etc.)
 - b. Obtaining an Emergency Protective Order does not need to be authorized by the victim

- c. Conduct a thorough preliminary investigation including:
1. Identify victim(s), suspects, and witnesses
 2. Identify and preserve the crime scene
 3. Tell the elderly/dependent victim, if possible, what will be expected of her/him in the investigation (i.e.; hospital, evidence collection, in-depth interview, etc.)
5. Submit a crime report and SOC 341 for cases of suspected abuse, neglect, and/or financial exploitation.
 6. Complete a SOC 341 and submit a Miscellaneous Elder Incident Report (NetRMS 993000) for cases where facts do not support the allegations.
 7. Notify the Adult Protective Services Elder Abuse Hotline and fax the SOC-341 by the end of shift.
 8. If licensed facility, cross-report to the overseeing State organization.
 9. When possible, respect and protect the confidentiality and the wishes of the elderly/dependent victim regarding the notification and participation of others throughout the investigation.
 10. Contact the Elder Abuse Sergeant on all Elder/Dependent Adult Abuse arrests as soon as possible by telephone 24/7.
 11. Additionally, Elder Abuse Unit should be notified of all incidents involving any head injuries, strangulation, and other bodily injuries whether your suspect is/or is not in custody. Always err on the side of caution with elders and have paramedics conduct an evaluation.
 12. If you have any questions during the course of your investigation, contact the on-call or on-duty Elder Abuse Unit supervisor.

(For more information, review 6.19 of the San Diego Sheriff's Office Policy and Procedures Manual.)

POLICY 45. BODY-WORN CAMERA

A. Introduction

1. To enhance the services provided to the community, the San Diego County Sheriff's Office authorizes the use of Body Worn Camera (BWC) technology. The goal of the BWC system is to provide an additional layer of documentation for events, actions, conditions, and statements made during critical incidents and to improve reports, evidence collection, and testimony in court. The use of BWC technology is meant to assist and complement deputy sheriffs and community service officers in the performance of their duties and is not meant to replace or relieve the deputy or community service officer of their responsibility of submitting any required written reports.

B. BWC Limitations

1. Digital evidence captured by the BWC has limitations and is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. A deputy/community service officer's recollection of specific details may differ from what is captured in digital evidence.

C. Deputy Safety

1. Deputy/officer safety takes precedence over recording events. Deputies shall follow existing deputy/officer safety policies and training when conducting law enforcement related contacts as outlined in Sheriff's Office policies and procedures. Deputy/officer safety shall be the primary consideration when contacting citizens or conducting law enforcement related contacts, not the ability to record an event.
2. There are multiple situations when activating a BWC is needed; however, this manual is not intended to describe every possible circumstance. The safety of deputies and members of the public is the highest priority, and the Sheriff's Office acknowledges there may be situations in which the operation of the BWC is impractical or may be an impediment to deputy and public safety. Additionally, the Sheriff's Office recognizes human performance limitations during particularly stressful and critical situations.

D. Definitions

1. Body-Worn Camera (BWC) - A camera worn on an individual's person that records and stores audio and video.
2. BWC Program Administrator - The San Diego Sheriff's Office program administrator for the BWC platform will have full access to the website to assign

and track equipment, control passwords, conduct quality checks of uploaded data, coordinate data retention/destruction, and provide copies of requested data to the requesting deputy. An end user cannot alter or delete video recordings.

3. End User – Individual deputy and community service officer with individual account access to the BWC platform.
4. Digital Evidence - BWC files, including photographs, audio recordings, and video footage that are captured by a BWC, are considered investigative material and stored digitally.
5. Buffering Mode – When a BWC is in standby mode but has not been activated to record sound and video. While in the buffering mode, the camera will continuously record video only on a loop.
6. Evidence Transfer System (ETS) - A portable multi-ported docking station installed at the county facilities. The ETS simultaneously recharges the BWC while uploading all digitally encrypted data from the device.
7. Metadata - Case numbers, event/incident numbers, and other descriptors used to identify digital evidence.

E. Storage

1. When not in use, the BWC devices shall be stored in the designated docking module or in a secure storage location at each patrol station, court, or any detention facility. Deputies will ensure the BWC is properly seated into the docking station to allow for proper downloading and charging. Exceptions to this would be traffic, rural, and any deputy subject to call-outs and routinely transports camera to and from home. Those deputies will receive two BWC's to facilitate callouts from home.

F. Pre-shift inspection

1. Deputies/community service officers assigned to wear a BWC shall inspect their BWC device daily to ensure there is no visual damage and the device is in working order. Only fully charged and operational systems shall be used, unless otherwise approved by a supervisor.
2. Damaged and inoperable equipment shall be reported to a supervisor and returned to the Video Analysis Unit as soon as possible.

G. Extended use and overtime

1. Should a battery in a BWC become depleted due to extended shifts, deputies shall notify a supervisor immediately. Deputies will return the BWC to a docking station for downloading and charging as soon as practical.

2. When deputies are working a planned overtime shift at another station, they should check out a BWC from the sergeant from that station. For special events such as, Del Mar Fair, CAC events, and DUI checkpoints, the deputy will contact the supervisor in charge to obtain a BWC to use.

H. Unintentional recordings

1. In the event of an unintentional activation of the BWC during non-enforcement or non-investigative activities, e.g., restroom or meal break, or other areas where a reasonable expectation of privacy exists, deputies may request the unintentional recording be restricted. A Body Worn Camera Video restricted form (SO-176) will be filled out and emailed to the Video Analysis Unit (VAU) sergeant. The form will include a gender-sensitive review option to address any privacy concerns. Once the video has been reviewed and determined unintentional by the VAU sergeant or their designee, it will be forwarded to the VAU lieutenant. The VAU lieutenant or their designee will review the video and give the final approval for the video to be restricted.

I. Demonstrations

1. When there is reason to believe that a planned event has the potential for unlawful activity, deputies should record all law enforcement related contacts with demonstrators.

J. Entering metadata

1. Each recorded segment requires metadata be entered, even if the segments are of the same event. Metadata should be added at the conclusion of the event if not automatically done. In case of a delay, metadata should be added as soon as possible, and always prior to downloading the evidence off of the camera.
 - a. When entering the metadata case ID # deputies shall use the CAD incident number assigned.
 - b. Deputies shall assign a category to every video recorded. In the event more than one category is applicable, the category with the longer retention rate shall be selected.

K. Downloading/storage procedures

1. After verifying the required metadata has been added to all recorded events, deputies shall place the BWC into a slot on the Evidence Transfer System at the end of their shift. This will allow for the battery to recharge. The data will automatically be transferred from the BWC through the Evidence Transfer System and/or Sheriff's Data Services dedicated server. The data is considered entered into evidence at this point. The only exception is deputies who did not return to the station at the end of their shift, or any deputy with the approval of their supervisor. In these instances, the deputy is required to place the BWC into

the slot on the Evidence Transfer System upon returning to their station, but in no case more than seven (7) days later, unless approved in writing by a supervisor.

L. Documentation of recorded events

1. All recordings shall be documented, in NETRMS, field citation, field interview, CAD event history, etc.
 - a. Field Interviews- "BWC Recording" shall be recorded in the narrative.
 - b. Other Reports - "BWC Recording" shall be noted in the narrative.
 - c. Unless writing their own report, cover deputies shall notify the case agent BWC evidence exists and provide a short description of what the recording depicts.
 - d. Other recordings - non-evidentiary recordings, such as inadvertent recordings, recordings initiated for training, or recordings with no associated report shall be documented in the CAD event history.
 - e. BWC recordings will be documented into NetRMS reports via the property section ^{GC 7922.000-Privacy Interest} [REDACTED]. The quantity is the total amount of BWC collected from all deputies on the scene. For example, if three deputies, including the case agent are on scene, the case agent would use the ^{GC 7922.000-Privacy Interest} [REDACTED] quantity three.

M. Supplemental documentation

1. Injuries
 - a. BWCs may be used to document physical injuries to persons injured during an incident; however, using a BWC to document an injury does not relieve any deputy of their responsibility to properly identify and describe the injury in a deputy's report. Deputies should still take digital photographs to document injuries.
2. Scene documentation
 - a. BWCs may be used to supplement the documentation of a crime scene. Using a BWC to document the scene of an incident does not relieve a deputy of the responsibility to properly identify and describe the scene in a deputy's report. In addition to collecting any digital photographs needed.
3. Transportation of arrestee
 - a. BWCs may be used to record during the transportation of an arrestee. Using the BWC to record during the transportation of an arrestee does not

relieve the deputy of the responsibility to document the recording in a deputy's report.

POLICY 46. DNA COLLECTION

A. Overview

1. DNA can be recovered from blood, semen, saliva, hair, skin, touch/contact, and other biological material. DNA recovered from crime scenes is an effective forensic tool available to law enforcement. Field personnel should use the following procedures when collecting potential DNA evidence.

B. Procedure

1. In situations involving the response of an investigative unit, patrol deputies should discuss the collection of evidence with the investigator(s) before proceeding. In some situations, it may be more appropriate for investigators to process the crime scene themselves.
2. Before collecting potential DNA evidence, investigators and deputies should consider if the evidence is appropriate for latent fingerprint development. There are many situations where latent prints are a more effective tool than DNA. After latent print development, the item may still be swabbed to collect possible DNA, if appropriate. Additional information on this subject is provided in the "Guidelines for the Collection and Submission of DNA Evidence" brochure (available from the "Ask the Crime Lab" link on the Sheriff's Intranet site).
3. While conducting preliminary investigations, deputies will make a reasonable effort to collect potential biological material from items that are not easily or safely packaged for submission to Property and Evidence. This can include swabbing possible biological stains or contact DNA on vehicles, immobile objects, perishable items, or similar. Smaller items that can be reasonably packaged will each be packaged in a paper container (envelope, paper bag, cardboard box, or similar). Wet items can be temporarily packaged in plastic, if the item can be dried quickly and packaged in paper before submission to Property and Evidence
4. In extraordinary situations, a supervising criminalist may authorize Crime Lab personnel to respond or otherwise assist station personnel in collecting possible DNA evidence.
5. Questions about DNA collection in the field can be addressed over the phone 24 hours a day, 7 days a week, by contacting the Communications Center and asking for the on-call forensic evidence technician to call the deputy.

The procedure outlined in this policy applies solely to area station personnel and not to situations involving the Major Crimes Division.

POLICY 47. DEATH OF A FOREIGN CITIZEN

- A. Sheriff's Office Policy and Procedure 6.39 – Death Scenes requires the compliance with Article 37 of the Vienna Convention on Consular Relations.
- B. A deputy investigating any circumstance in which a person has died in the Sheriff's jurisdiction will make a reasonable attempt to determine the decedent's citizenship through the normal course of their investigation and interviews.

A deputy may make inquiries about the decedent's citizenship with family and acquaintances, as well as using information gathered during the investigation to aid in determining the decedent's citizenship. This process does not violate the tenants of SB54 as it does not apply to people who are deceased.

- C. Once the deputy has information indicating the decedent is or is reasonably likely to be a citizen of another country, the deputy shall report the death to the Criminal Intelligence Unit's International Liaisons as soon as practical but no later than the end of shift.
- D. The International Liaisons are an office-wide resource and, as a part of this assignment, have the duty to communicate with foreign governments.
- E. Given the complexities of Consular relations and citizenship issues, deputies should take a pro-notification stance when utilizing the below procedure and openly communicate any unique circumstances to the Liaisons to aid them in determining when and what notifications should be made.
- F. The following procedure shall be utilized if a deputy develops information indicating a decedent is, or is reasonably likely to be, a citizen of another country:
 - 1. The deputy will complete the Sheriff's Consulate Death Notification Form (SO-220).
 - 2. The deputy will email the completed form to the International Liaisons ^{GC 7} [REDACTED] as soon as practical but no later than the end of shift. Included in the email should be any unique circumstances of the death or type of citizenship.
 - 3. Deputies will document their completion and submission of the SO-220 form to the International Liaisons in the narrative of their report and attach a copy of the completed form to the case for reference.
 - 4. Once received the International Liaisons will provide notification to the foreign consulate as directed by the Criminal Intelligence Unit (CIU)

Lieutenant.

5. The International Liaisons will attach the completed notification form to the decedent's case, along with any supporting documentation.
- G. The International Liaisons will be the sole point of contact with foreign consulates, including any subsequent communication or requests for additional information. Any information released by the International Liaisons beyond basic identifying information and general circumstance of the death will be approved by the unit responsible for the investigation in coordination with the CIU Lieutenant, and in accordance with Policy and Procedure.
- H. The CIU Lieutenant will ensure the Field Operations Manual policy on Death of a Foreign Citizen is reviewed annually and is modified as needed.

POLICY 48. WARRANT PROCEDURE FOR "DO NOT BOARD LIST" PUBLIC HEALTH TRAVEL RESTRICTION

- A. California Health and Safety Code 121365 grants the health officer the authority to issue a legal order to comply with isolation, diagnosis, treatment, exclusion from workplace or other location or additional orders as needed to protect the public from tuberculosis (TB) transmission. A warrant may be issued for the misdemeanor offense of violating such a legal order of the health officer.
- B. Additionally, the health officer or his/her designee may seek a travel restriction from the Centers for Disease Control (CDC) for an individual who satisfies the required conditions outlined below:
1. the individual is known or reasonably believed to be infectious or reasonably believed to have been exposed to a communicable disease and may become infectious with a communicable disease that would be a public health threat should the individual be permitted to board a commercial aircraft or travel in a manner that would expose the public;
 2. the individual is not aware of his or her diagnosis, or has been advised regarding the diagnosis and is non-compliant with public health requests or has shown potential for non-compliance, or is unable to be located;
 3. the individual is at risk of traveling on a commercial flight or of traveling internationally by any means;
 4. the individual's placement on the DNB is necessary to effectively respond to outbreaks of communicable disease or other conditions of public health concern; for example, an individual's placement on the DNB may be considered when necessary to aid in the application of controlled movement or in the execution of a federal, state, or local quarantine, isolation, or conditional release order.
- C. Once the case is determined by the CDC to meet criteria, a Public Health Travel Restriction may be placed so that the individual in question may be prevented from entering through a port of entry or boarding an international commercial flight.
- D. The federal government derives its authority for isolation and quarantine from the Commerce Clause of the U.S. Constitution. Under section 361 of the Public Health Service Act (42 U.S. Code § 264), the U.S. Secretary of Health and Human Services is authorized to take measures to prevent the entry and spread of communicable diseases from foreign countries into the United States and between states. Federal isolation and quarantine are authorized by Executive Order of the President and are currently authorized for infectious TB among other conditions. The authority for carrying out these functions on a daily basis has been delegated to the CDC.

1. Additional background on this law from the CDC can be found here:
<https://www.cdc.gov/quarantine/aboutlawsregulationsquarantineisolation.html>
2. Some recent clarifications can be found here:
<https://www.cdc.gov/quarantine/final-rule-communicable-diseases.html> and
https://wwwnc.cdc.gov/eid/article/23/13/17-0386_article

E. If an individual who is on the list attempts to enter the United States with a communicable infectious disease through a port of entry, the individual is intercepted and held by Customs and Border Protection (CBP) and the CDC Quarantine Station duty officer is notified to respond 24/7. Many times, the individual is served a Health Officer's legal order at that time and released; however, if he or she has already violated a Health Officer's legal order and a warrant has been issued, he or she may be taken into custody. Locally, this type of interception coupled with a warrant happens approximately 1 to 3 times per year at the ports of entry in San Diego County.

1. These warrants will be accepted and booked in accordance with current Sheriff's Office booking acceptance criteria.

F. Warrant arrest and confinement

1. CBP officials will notify the CDC duty officer when a subject attempts entry into the United States and is subject to a Public Health Travel Restriction issued by the CDC.
2. CBP officials will also verify with the Sheriff's Office that a warrant is active and bookable.
3. Current infectiousness or suspected infectiousness will be confirmed by the CDC Quarantine Station, and they will in turn contact the San Diego County Public Health Services Department.
4. San Diego Health and Human Services will contact the watch commander of either San Diego Central Jail or Las Colinas Detention Facility with notification of a pending confinement of a patient with infectious TB.
5. San Diego Health and Human Services will then call either the San Diego Police or the San Diego County Sheriff's Office for assistance.
6. The responding deputy should confirm the warrant through records and have the warrant sent to either SDCJ or LCWDF for processing.
7. Deputies should use the following universal precautions:
 - a. have the patient wear a mask;
 - b. roll down front windows;

- c. keep the trip as short as possible, preferably under 30 minutes;
 - d. do not use vehicle's air conditioner.
8. Once en route to the facility, ensure the facility watch commander and Medical Unit are advised of your pending arrival to avoid prolonged exposure.
 9. The intake deputy will not accept the inmate until both the watch commander and Medical have been notified.

POLICY 49. CELL PHONE PINGS

1. Legal requirements and reporting requirements

- a. Penal Code 1546 and its subsections, also known as the CalECPA (California Electronic Communications Privacy Act), provides a uniform warrant rule for accessing electronic and digital information including cell phone location information or "ping."
- b. A cell phone "ping" is the act of determining the estimated current location of a cell phone. This may be accomplished via GPS data or by using cell tower triangulation. Obtaining a cell phone ping is a valuable technique that may be utilized for a variety of emergency situations.
- c. Pinging a cell phone is a search and seizure of the cell phone subscriber's location records. As such, pinging a cell phone is subject to established search and seizure laws including Penal Code 1546. This includes the exigent circumstance exception. When a deputy determines that the location of a cell phone is needed due to exigent circumstances, the requesting deputy must be able to articulate exigent circumstances to include the immediate danger of death or serious bodily injury to any person. This policy outlines the circumstances under which an emergency cell phone ping may be requested, the proper procedures for doing so, and the written documentation required when an emergency cell phone ping is conducted.

2. Cell phone ping procedures

- a. Upon determining that an emergency ping may be needed a deputy will notify the Communication's Center. The deputy must be able to articulate the exigent circumstance(s) for the ping and the reasonable surety of the target phone number. The watch commander or patrol sergeant may deny the emergency ping request based on the established criteria.
- b. Exigent circumstances will generally follow under two categories:
 1. When necessary to save someone's life, for example: a lost hiker or missing juvenile at-risk. In these situations, the deputy will notify the Communication's Center (CC) of the request. The CC will transmit the exigent circumstance request to the applicable cell phone provider. Upon compliance with the request, the cell phone provider will provide the requested location information to the CC and the information will be relayed to the deputy. At the conclusion of the event the primary deputy shall articulate that an exigent ping was requested in his or her crime/incident report. The deputy **shall** also complete a court order titled: "Order Authorization to Retain Electronic Communication Information Voluntarily Provided: Emergency Law

Enforcement Request." This form can be located in the forms folder in the Sheriff's Intranet site.

2. When necessary to locate a fugitive/criminal who poses an immediate danger of death or serious bodily injury to any person. In this instance the deputy or patrol sergeant must first contact the detective sergeant of the investigating unit that will ultimately take responsibility for the case. That unit may assign a detective to the task of obtaining cell phone ping or delegate the task to the Fugitive Task Force. The detective unit responsible shall complete the "Emergency Law Enforcement Request" court order process.
 - c. If a deputy is seeking a cell phone ping for non-exigent circumstances the deputy must obtain a search warrant.
3. Court order procedure
- a. Anytime a member of this the Sheriff's Office requests an emergency ping of a cell phone pursuant exigent circumstances a court order must follow within three court days.
 - b. The template for the order mentioned above can be found on the Sheriff's Intranet in the forms folder and it is titled: "ORDER Authorization to Retain Electronic Communication Information Voluntarily Provided: Emergency Law Enforcement Request."
 - c. Once completed, the form shall be emailed to the Deputy District Attorney Liaison to the Sheriff's Office. The deputy shall document in his/her crime/incident report that this process was completed thereby fulfilling the requirement mandated by Penal Code 1546.
 - d. The reviewing sergeant shall ensure that the deputy who requested the emergency ping completed the court order form and routed it to the Deputy District Attorney Liaison to the Sheriff's Office and documented this process in the crime/incident report.
 - e. Once received, the District Attorney's Office will process the order through the court and return a signed copy to the deputy via email. The deputy and/or the assigned detective shall ensure that the signed order are scanned and attached to the case in NetRMS. The deputy and/or the assigned detective shall ensure that notice is provided to the service provider and the identified target of the cell phone ping as specified in Penal Code section 1546, et seq.

POLICY 50. RACIAL IDENTITY PROFILING ACT STOPS AND DATA

Deputies shall comply with all the legal requirements under Assembly Bill 953, The Racial and Identity Profiling Act (RIPA) of 2015, codified in Government Code section 12525.5. Definitions for all required data elements as applicable to RIPA can be found in the California Code of Regulations (11 CCR § 999.224).

- A. Deputies shall document each detention, citation, arrest, including arrests for 5150 W&I, each consent search, 4th waiver search, parole search or probable cause search, via the RIPA application. The application can be accessed via a desktop computer, Mobile Data Computer (MDC), or another mobile device connected to the Sheriff's network. In the event the application cannot be used for technical or logistical reasons, the information shall be temporarily recorded on a CJIS 2000 Form until access to the application can be restored, at which point the data must be entered as soon as practical.
- B. Deputies shall enter all required RIPA data as soon as practical, but no later than the end of shift, barring extreme circumstances. Even in those extreme cases, all entries must be entered within 24 hours of the initial contact.
- C. Deputies shall report the required elements based on personal observation only. For example, if a deputy stopped a vehicle for speeding, the RIPA report captures the deputy's perception of the driver before asking for identification or otherwise becomes aware of the person's actual characteristics. Deputies shall not attempt to elicit information from the person stopped for the sole purpose of RIPA reporting.
- D. If more than one deputy is involved in a stop, only one deputy is required to report the stop. The deputy with the highest level of engagement must submit the report, regardless of whether they performed the specific actions being reported.
- E. When multiple agencies are involved in a stop, the agency with primary investigative jurisdiction (according to law or an applicable agreement) will submit the RIPA report. Deputies who are part of a task force (federal, state, or local), providing contract services, or taking actions off-duty must comply with RIPA reporting requirements.
- F. Deputies do not need to complete a RIPA report for passengers of a stopped vehicle unless the passenger is observed or suspected of violating the law or an additional RIPA qualifying action is taken by a deputy. For example, a passenger who is ordered out of the vehicle and directed to sit on the curb, a passenger who is searched, or the vehicle is stopped because the passenger was the target of the stop would require a RIPA report.
- G. Deputies do not need to complete a RIPA report for the following:
 - Traffic control or emergency situations that require vehicles to be stopped for public safety purposes, mass evacuations, including bomb threats, active shooter incidents, crowd control, or witness interviews.

- Programmatic searches or seizures based on a neutral formula such as DUI checkpoints, security screenings at events, schools, courthouses or other buildings, or other actions which are conducted without regard to individualized suspicion or personal characteristics unless these contacts otherwise qualify for RIPA reporting due to additional actions taken by deputies.
 - Searches and arrests of a person who is the named subject of a warrant or search condition made inside a home pursuant to the warrant or a search condition (arrest warrant, search warrant, probation search, etc.) served at the listed address on the listed person. Deputies do not need to complete a RIPA report for additional people in the home who are not subject to the warrant or search condition unless the contact otherwise qualifies for RIPA reporting due to additional actions taken by deputies.
 - Stops that occur in a custodial setting. A "custodial setting" for the purposes of RIPA reporting, means correctional institutions, juvenile detention facilities, and jails, including parking lots and grounds within the perimeter of these enumerated facilities.
 - Stops that occur in a custodial setting at courthouses. This would apply to holding cells and inside of a courtroom when action is taken at the direction of the court.
 - Responding to a call for service, radio call, dispatch, performing a welfare or wellness check, or performing a community caretaking function. These are not reasons for a stop and are only reportable if additional action is taken by the deputy during the course of these interactions which would otherwise qualify as a RIPA reportable event.
- H. The RIPA Coordinator or designee will review the RIPA Stop Data for personal identifying information (PII), typographical errors, and other errors as needed.
- I. The RIPA Coordinator will conduct an annual analysis of the RIPA stop data every January and document the findings in a RIPA Annual Report. The RIPA Annual Report will be submitted to the Sheriff for review via the chain of command. Once approved, the RIPA Annual Report will be provided to the public.

POLICY 51. GUN VIOLENCE RESTRAINING ORDERS

A Gun Violence Restraining Order (GVRO) is an order, in writing, signed by the court, prohibiting and enjoining a named person from owning, purchasing, possessing, receiving or having in his or her control, any firearm, ammunition or magazine. A GVRO allows law enforcement to proactively address future firearm violence by removing a firearm from an unstable or dangerous individual when: "The subject of the petition, or a person subject to a temporary emergency gun violence restraining order or an ex parte gun violence restraining order, as applicable, poses a significant danger of causing personal injury to themselves or another by having in the subject's or person's custody or control, owning, purchasing, possessing, or receiving a firearm, ammunition, or magazine." (Penal Code 18175).

Deputies shall consider the use of a gun violence restraining order during a response to any residence which is associated with a firearm registration or record, during a response in which a firearm is present, or during a response in which one of the involved parties owns or possesses a firearm, or expressed an intent to acquire a firearm.

Deputies should also consider the use of a gun violence restraining order during contact with persons exhibiting mental health issues, including suicidal thoughts, statements, or actions, if that person owns or possesses a firearm or expressed an intent to acquire a firearm. Deputies encountering situations in which there is reasonable cause to believe the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm shall consider obtaining a mental health evaluation of the person by a medically trained professional or to detain the person for mental health evaluation pursuant to policy relating to Section 5150 of the Welfare and Institutions Code. Efforts shall be made to prevent access to firearms by persons who, due to mental health issues, pose a danger to themselves or to others by owning or possessing a firearm. Efforts should be made to provide information about mental health referral services during a contact with a person exhibiting mental health issues.

Deputies should apply de-escalation techniques for officer and civilian safety when responding to incidents involving a firearm.

A. Types of Gun Violence Restraining Orders

1. Temporary Emergency GVRO – An emergency order requested by law enforcement that may be requested orally based on a statement of facts supporting the necessity of an emergency order. A temporary emergency GVRO can last up to 21 days. A temporary emergency GVRO will generally be sought by deputies while contacting subjects in the field. A Temporary Emergency GVRO can be obtained by deputies/detectives through the court telephonically. See PC §18125-18148.

- a) Example 1: Deputies respond to a call for service where an individual has made credible threats to carry out a mass casualty shooting. The suspect is detained, and firearms have been recovered from the subject's possession.
2. Ex parte GVRO – An emergency order requested by a law enforcement officer through a civil court, petition based on an oral examination, or affidavit, under oath establishing grounds for a GVRO. An ex parte GVRO can last up to 21 days. An ex parte GVRO can be obtained in-person at the court of jurisdiction. See PC § 18150-18165.
 - a) Example 1: Detectives are assigned to follow up on an incident involving a subject threatening to use a firearm to kill another person. The subject is known and has access to weapons. The subject may or may not be in custody.
 - b) Example 2: Deputies respond to a call for service where an individual expresses suicidal ideations. The individual is not the registered owner of a firearm but is known to possess multiple firearms.
3. Permanent GVRO – A civil order obtained after notice and hearing of a temporary or ex parte GVRO. A permanent GVRO can last from one to five years from the date of issuing. A permanent GVRO will generally be sought by the detective assigned to the restrained subject's case after a temporary or ex parte order have been granted and it has been determined that the subject presents an ongoing increased risk for violence. See PC § 18170-18197.
 - a) Example: An ex parte GVRO was already granted against an individual threatening to carry out a mass casualty event against a group based on their nationality. The subject has continued to post threats of violence on social media and attempted to obtain firearms.

B. Steps for obtaining and serving a Temporary or ex parte GVRO:

1. Determine if the subject is already a prohibited person. See DOJ Firearms Prohibiting Categories. If the subject is already a prohibited person, then a GVRO may not be appropriate.
2. Determine if the subject owns or has access to any firearms or ammunition, including magazines. Does the subject already have access to firearms or ammunition? Do you believe the subject may attempt to purchase or gain access to firearms or ammunition? If not, a GVRO may not be appropriate.
3. Determine if grounds for a GVRO exist. Factors to consider include recent acts or patterns of the following:
 - a) Threats or acts of violence to self or others;
 - b) Specific convictions or arrests;

- c) Unlawful and reckless use, display, or brandishing of a firearm;
 - d) Violation of protective order(s);
 - e) Documented abuse of alcohol or controlled substances;
 - f) Recent acquisition of firearm, other deadly weapon, or body armor;
 - g) Evidence of stalking or animal abuse;
 - h) Threats or actions taken towards a person or group based on their actual or perceived race or ethnicity, nationality, religion, disability, gender, or sexual orientation (PC § 422.56), such as: oral or written threats of violence, including, but not limited to, threats using social media postings or messages, text messages, or email; threats made to advance a political objective or to interfere with a person's right or privileges under the U.S. Constitution or law; and knowing and intentional defacement or destruction of another's real or personal property. See PC § 18155 for details.
 - i) Notify your sergeant if you have determined a GVRO is appropriate.
4. Patrol deputies or detectives may request a Temporary Emergency GVRO (EPO-002 form) using the same phone number used for business hours and after-hours Emergency Protective Orders. The phone numbers change periodically, if you need the most current numbers please contact the Sheriff's Communication Center ^{GC 7922.000-Privacy Interest} Alternatively, an ex parte GVRO may be obtained depending on the urgency of the situation (GV-100 form). An ex parte GVRO shall be sought in-person at the court of jurisdiction.
5. Per PC § 18120 the subject shall surrender all firearms and ammunition in a safe manner. Determine the best way to safely serve the court order and search for firearms. Complete an Operational Plan (SO 125) and a High-Risk Entry Checklist (SO-101), if appropriate, if a search warrant is deemed necessary.
6. The deputy/detective shall:
- a) Serve the subject with a copy of the order at least five days prior to the court hearing (the subject must be served a second time if the court date was not assigned at the time of obtaining the initial order);
 - b) If the subject has been located ask if they have any firearms or ammunition in their possession or under their custody or control;
 - c) Request that any firearms and ammunition be immediately surrendered by providing you consent to search for the firearms (complete a Consent to Search SO-135 form);

- d) Take into temporary custody any firearms, ammunition, or other deadly weapons discovered in plain sight or pursuant to consent;
- e) All firearms, ammunition and other deadly weapons collected shall be handled and stored in accordance with Property and Evidence Policy - P&P 6.29 and the Property and Evidence Packaging Manual available at all station evidence processing areas;
- f) Verify with the subject they do not possess any additional firearms, ammunition or magazines. Complete a CLETS inquiry to verify no additional weapons are registered to the subject;
- g) Provide the subject with a Receipt and Notice of Confiscation of Weapons form (PAT-29 form);
- h) Notify Sheriff's Inquiry or file a Proof of Personal Service (GV-200 form) when the order has been served;
- i) If the subject refuses to provide consent to search, or refuses to relinquish their firearms pursuant to the court order, consider detaining or placing the person under arrest for violating the court order and obtain a search warrant in accordance with PC § 1524(a)(14) (you may also obtain an anticipatory search warrant beforehand if you believe the subject will refuse to cooperate). Search warrants shall be obtained by following the procedure set forth in section G.2.1 of the Sheriff's Detective Manual;
- j) If a search warrant is obtained, preparation and service shall be in accordance with PC § 1542.5. If a search warrant is served, Receipt and Inventory Form (SDC CRM-172) shall be completed to reflect the property seized by the deputy instead of the form PAT-29. The pink copy shall be left with the restrained person or upon the premises searched along with a copy of the search warrant.
- k) **GC 7922.000-Safety/Security Interest**
[REDACTED]
- l) Document all these actions in a Niche report; **GC 7922.000-Safety/Security Interest**
[REDACTED]
- m) As soon as practicable, provide a copy of the report to the to the station detective unit so a petition to the court for a permanent civil order can be considered. Determine prior to the expiration of the temporary or ex parte GVRO whether the subject presents an ongoing increased risk for violence such that a permanent civil order may be necessary. See Section B.3 of this Policy and PC § 18155 for details.

7. The assigned detective must file a copy of the Temporary Emergency GVRO (EPO-002 form) with the court (Civil Business Office) at the division in which the restrained person resides as soon as practicable, but no later than three court days after issuance. A court date will be issued either at the time the GVRO was issued, or at the time of subsequent filing.

C. Steps for obtaining and serving a GVRO issued after notice and hearing:

1. The assigned detective will need to appear in court for the permanent hearing and diligently participate in the evidence presentation process. If determined necessary, the primary deputy and/or other witnesses may also need to be present for the hearing. As an option, the assigned detective may want to file a Declaration (MC-030 form) with the court and attach a copy of the redacted Niche report for the judge's review. A copy of the declaration should be provided to the subject before the hearing;
2. After the GVRO has been filed with the court, ensure that it is entered into the Department of Justice's California Restraining and Protective Order System (CARPOS) as soon as practicable. This is done by faxing the order to Sheriff's Records at ^{GC 7922.000-Privacy Interest} [REDACTED]. If a fax machine is unavailable, scan and email the order to ^{GC 7922.000-Privacy Interest} [REDACTED]. Call Sheriff's Records at ^{GC 7922.000-Privacy Interest} [REDACTED] and request the order be entered into CARPOS per PC § 18140(d);
3. Deputies/detectives may be requested to serve a permanent GVRO after the notice and hearings in court. Upon service to the subject, if the deputy/detective orders the subject to surrender firearms and ammunition, the subject must do so immediately. If the subject is not ordered to surrender immediately, the subject must surrender all firearms, ammunition and magazines within 24 hours of being served the order. The items may be surrendered to local law enforcement or a licensed gun dealer. Follow the steps listed above if a search warrant and subsequent seizures are deemed necessary.
4. In Niche the assigned detective shall set a Case Review date under Edit Case Details about 90-days prior to the permanent GVRO expiration. Area detective sergeants shall periodically search the Cases Pending Review report in Niche to ensure any cases with expiring GVROs are reevaluated for the need to petition the court for an extension of the order.

D. Steps for requesting renewals of expiring GVROs

1. A law enforcement officer may request a renewal of an expiring GVRO at any time within three months before the expiration of the order. The assigned detective will review the case prior to the expiration of the permanent GVRO and determine if grounds for a GVRO renewal exist and determine if the subject presents an ongoing increased risk for violence. Factors to consider include recent acts or patterns of the following:
 - a) Threats or acts of violence to self or others;

- b) Specific convictions or arrests;
 - c) Unlawful and reckless use, display, or brandishing of a firearm;
 - d) Violation of protective order(s);
 - e) Documented abuse of alcohol or controlled substances;
 - f) Recent acquisition of firearm, other deadly weapon, or body armor;
 - g) Evidence of stalking or animal abuse;
 - h) Threats or actions taken towards a person or group based on their actual or perceived race or ethnicity, nationality, religion, disability, gender, or sexual orientation (PC § 422.56), such as: oral or written threats of violence, including, but not limited to, threats using social media postings or messages, text messages, or email; threats made to advance a political objective or to interfere with a person's right or privileges under the U.S. Constitution or law; and knowing and intentional defacement or destruction of another's real or personal property. See PC § 18155 for details.
2. Detectives must file a copy of the Request to Renew GVRO (GV-700 form) in order to request renewal of the GVRO prior to the expiration date. The assigned detective will need to appear in court for the renewal hearing and diligently participate in the evidence presentation process. If determined necessary, additional witnesses may also need to be present for the hearing. As an option, the assigned detective may want to file a Declaration (MC-030 form) with the court and attach a copy of any new Niche reports for the judge's review. A copy of the declaration should be provided to the subject before the hearing.
 3. The court must find clear and convincing evidence the subject remains to pose a significant danger of causing personal injury to themselves or others by having in their custody, control, owning, purchasing, possessing or receiving a firearm or ammunition and less restrictive alternatives have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject of the petition. See PC § 18190. If the renewal petition is supported by clear and convincing evidence, the court shall renew the gun violence restraining order. The renewal of a gun violence restraining order issued shall have a duration of between one to five years.
 4. Service of a renewed GVRO shall be done in person and deputies/detectives shall follow the guidelines listed above for service procedures.

E. Addressing violations of a GVRO

1. A person who owns or possesses, or attempts to purchase or receive, a firearm or ammunition with knowledge that they are prohibited by a GVRO is guilty of a misdemeanor. PC § 18205.

2. Upon arrival to a scene involving a GVRO violation, deputies shall take appropriate action to stabilize the situation and protect the safety of all parties involved at the scene, including that of the deputy. Deputies should investigate a GVRO violation like any other restraining order violation: make every effort to investigate the allegations, separate and interview all parties, and determine whether probable cause exists.
 3. Deputies should make every effort to contact the suspect of a GVRO violation and request relinquishment and consent to search for any firearms, ammunition, or magazines possessed in violation of the court order. See Section B for details on firearm removal.
 4. Complete a crime/arrest report in Niche.
- F. Returning firearms upon the termination of a GVRO
1. Prior to the return of any firearm, the owner must submit a Law Enforcement Gun Release Application to the California Department of Justice Firearms Division for authorized release by the Attorney General, in which the owner must demonstrate compliance with PC §§ 33850-33895. The Department of Justice will determine whether the applicant is eligible to possess a firearm, ammunition feeding device, or ammunition. The application shall be submitted electronically via the California Firearms Application Reporting System (CFARS).