MESSAGE FROM THE SHERIFF

Any organization is only as good as the personnel that are a part of it. Here in El Dorado County, our employees and volunteers really are our most valuable resource. For us to be effective, we must provide guidance, direction and leadership, in the form of policies and procedures, in order to accomplish our mission.

This policy manual is a living document that is subject to constant change. New laws, court decisions, County policies, new methodologies and other factors, dictate the need for a continual review of these policies, initiating revisions where necessary and appropriate.

It must be kept in mind that no set of policies, no matter how complete, can hope to address all the situations we may encounter in policing. Therefore, it follows that there will be situations that occur that must be left to the good judgment and discretion of the person involved. This judgment and discretion must be employed with sound reason.

It is every employee's responsibility and duty, to become thoroughly familiar with the contents of this manual. Employees are further responsible for the upkeep and maintenance of their individual copy, including keeping current as updates are made.

Upon distribution of this manual, all other existing manuals, orders and regulations that are in conflict are hereby revoked. Any policies not covered in this manual remain valid.

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MISSION AND VISION STATEMENTS
MISSION STATEMENT

The mission of the El Dorado County Sheriff's Office is to uphold the law through the investigation and enforcement of criminal and civil law, to provide leadership and law enforcement support to allied law enforcement agencies, to deliver consistent and humane treatment to those placed in our care and custody, and to perform these responsibilities in a manner that is responsive to the needs of our community and faithful to the Constitution of the United States and the Constitution of the State of California.

VISION STATEMENT

A modern approach to traditional law enforcement values;

Total enforcement on crime and criminals;

Total care for victims, witnesses and the community;

Total professionalism, through training and by example

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

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

100.3 PEACE OFFICER POWERS

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

100.3.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE EL DORADO COUNTY SHERIFF'S OFFICE

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

(a) When the deputy has probable cause to believe the person has committed a felony, whether or not committed in the presence of the deputy.

(b) When the deputy has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the deputy.

(c) When the deputy has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the deputy and the deputy reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the deputy has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the deputy such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE EL DORADO COUNTY SHERIFF'S OFFICE

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

(a) When the deputy has probable cause to believe the person committed a felony.

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(b) When the deputy has probable cause to believe the person has committed a misdemeanor in the presence of the deputy and the deputy reasonably believes there is immediate danger to person or property or of escape.

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

(d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.

(e) In compliance with an arrest warrant.

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

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

100.3.3 TIME OF MISDEMEANOR ARRESTS

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

(a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:

1. A misdemeanor committed in the presence of the deputy.

2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

(b) The arrest is made in a public place.

(c) The arrest is made with the person in custody pursuant to another lawful arrest.

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

100.3.4 OREGON AUTHORITY

Sworn members of this Office who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when deputies are acting:

(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

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(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

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

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

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Law Enforcement Code of Ethics

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

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

101.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Office. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

101.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

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Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

All Office members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

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

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.2.2 SENIOR COMMAND STAFF

The Senior Command Staff (staff) shall consist of the following:

- Sheriff
- Undersheriff
- The Captain from each division

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

103.2.3 OTHER PERSONNEL

All Office employees suggesting a revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander who will consider the recommendation and forward it to staff as appropriate.

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103.3 AUTHORITY

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

103.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Policy Directives may be abbreviated as "PD"
- Policy Manual sections may be abbreviated as 'Section' or '§' (Example: "Section 106.X" or "§ 106.X")

103.3.2 DISTRIBUTION OF MANUAL

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

- Sheriff
- Undersheriff
- Captains
- Administrative Lieutenant
- Custody Lieutenants
- Administrative Sergeant
- Custody Sergeant's Office
- Personnel & Training Units
- Field Sergeant's Office
- Detective Section
- Deputy's Report Room
- Dispatch

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of El Dorado.

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

Department/Office/EDSO - The El Dorado County Sheriff's Office.

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

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Office.

Juvenile- Any person under the age of 18 years.

Manual - The El Dorado County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

On-duty - A member's status during the period when they are actually engaged in the performance of their assigned duties.

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

103.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. The Policy Manual will be posted on the EDSONET under a 'Policy Manual' link. Changes to the Policy Manual will be emailed to employees as a user acknowledgement from Lexipol. Each employee shall acknowledge receipt and understanding of new/revised policies by logging into the Lexipol Knowledge Management System (KMS) and completing the user acknowledgement(s). Employees are responsible for reviewing, acknowledging, and seeking clarification on policies as needed.

The Support Services Division will ensure that employees are aware of any Policy Manual revisions.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Administrative Division
- Custody Division
- Operations Division
- Support Services Division

200.2.1 ADMINISTRATIVE DIVISION

The Administrative Division is commanded by the Chief Fiscal Officer, with direction from the Undersheriff, whose primary responsibility is to manage the fiscal needs of the El Dorado County Sheriff's Office. These needs include budget preparation, forecasts, purchasing, revenue deposits, accounts payable, payroll, and grants management.

200.2.2 CUSTODY DIVISION

The Custody Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Custody Division. The Custody Division consists of the Jails and Jail Administration, the Courts, and Transportation.

200.2.3 OPERATIONS DIVISION

The Operations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of Uniformed Patrol / Specialized Units, Sheriff's Technicians assigned to the division, Investigations Section, Crime Analysis Unit, Office of Emergency Services, and Forensic Services.

200.2.4 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Support Services Division. The Support Services Division consists of Information Technologies, Radio Communications, Central Dispatch, Records Unit, Property and Evidence, Civil, Coroner, Vehicle Abatement, Training, Range, Armory, Personnel, Background Investigations and the Internal Affairs Unit.

200.3 COMMAND PROTOCOL

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200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Sheriff's Office. During planned absences the Sheriff will designate the Undersheriff or a Division Commander to serve as the acting Sheriff.

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

(a) Undersheriff

(b) Division Commander

(c) Sworn Lieutenant

(d) Sworn Sergeant

200.3.2 UNITY OF COMMAND

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

200.3.3 CHAIN OF COMMAND

All members of the El Dorado Sheriff's Office will adhere to the chain of command. Members shall acquaint themselves with positions identified in their respective chain of command and shall afford deference and respect to persons occupying supervisory/management positions.

(a) Exceptions are those specifically authorized by the Sheriff or the authorized designee, allowable by policy, or those where bypassing the chain of command may be justified by the critical nature of the issue.

(b) To ensure good order and the coordination of office business, orders and instructions shall be communicated downward through the chain of command respectively.

    1. Requests to contact supervisors/managers not next in the chain of command, for official purposes, shall be transmitted up the chain of command through succeeding managerial levels.

(c) If the chain of command is not operating properly, or is hampered by personality issues, it will be the responsibility of the next higher-level authority in the chain of command to correct the problem and initiate disciplinary action when appropriate.

200.3.4 ORDERS

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

200.3.5 OPEN DOOR POLICY

The administrative philosophy of the El Dorado County Sheriff's Office provides that the Sheriff, Undersheriff, and all supervisors/managers will have an open door policy for all members. The open door policy provides members an opportunity to contact any level of supervisor/manager,

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etc., to discuss philosophies or personal issues, and to facilitate general contact with those leaders where contact is not otherwise available.

The open door policy is not for avoiding or sidestepping the chain of command or bypassing immediate supervisors. Each supervisor/manager is charged with responding to all members with any issue particular to the member, but not with day to day issues. As many issues may combine personal and day to day components, the supervisor/manager will refer a member to the appropriate individual for any aspects pertinent to day to day operations.

200.4 OFFICER IN CHARGE

The Officer in Charge (OIC) is a member of the agency who has been specifically designated by their supervisor or other appropriate authority to be in charge of a particular shift during the absence of the immediate supervisor. Unless otherwise stated, this will be for one shift only. Absent another available supervisor, the supervisor may appoint an OIC for a specific period during absences.

The OIC is charged with the routine duties and supervisory responsibilities normally carried out by the supervisor on a given shift. The OIC has the responsibility of recording and reporting any violation of rules, regulations, laws, etc., which occur during their time as an OIC. If the violation is of an emergency nature, they will notify a supervisor immediately. If time off is requested, the OIC will forward the request to the next higher level of supervision for a decision or wait until the return of the absent supervisor.

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Policy Directive

201.1 PURPOSE AND SCOPE

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

201.1.1 POLICY DIRECTIVE PROTOCOL

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

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

Any Policy Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 23-01 signifies the first Policy Directive for the year 2023.

201.2 RESPONSIBILITIES

201.2.1 STAFF

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

201.2.2 SHERIFF

The Sheriff shall issue all Policy Directives.

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Electronic Mail

202.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of electronic mail (email) by employees of the El Dorado County Sheriff's Office. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act).

202.2 EMAIL RIGHT OF PRIVACY

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

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

Employees should not use personal accounts to exchange email or other information that is related to the official business of the office.

202.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire office are only to be used for official business related items that are of particular interest to all users and must be approved by the Sheriff or a Division Commander. Personal advertisements are not acceptable.

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

202.4 PERSONAL USE OF EMAIL

Incidental personal use of the office's email system is permitted as long as it is not excessive and does not degrade the performance of services or interfere with the office's normal business practices and the performances of the employee's business tasks. Employees must exercise sound judgment and sensitivity to others when exchanging personal messages in the workplace.

202.5 UNION USE OF EMAIL

Union members may use the office email for Union business so long as:

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(a) The email shall not be drafted during working hours (not including duty-free breaks and lunches);

(b) The subject line of the email shall read: "Association Business";

(c) All email usage shall be consistent with this policy and the El Dorado County Information Technology Use policy.

202.6 MANAGEMENT OF EMAIL

Email messages may be automatically or manually archived depending on user settings. Auto-archive improves overall email system efficiency but does not affect the actual retention of an email message, only its storage location. Users should delete all unnecessary messages manually. All deleted messages are unrecoverable 365 days from original deletion date. Messages that should become part of an official record should be printed and filed accordingly.

202.7 EMPLOYEE EMAIL RESPONSIBILITIES

It is the responsibility of all employees to open and read their Sheriff's Office emails at the start of their shift and prior to the end of their shift. Employees are required to open and read emails from the El Dorado County District Attorney's Office and to access the electronic subpoena portal during work hours in order to accept service of emailed subpoenas and acknowledge subpoena cancellation notices.

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Donation and Gift Acceptance

203.1 PURPOSE AND SCOPE

From time to time, civic minded citizens, service groups and businesses offer gifts and donations to the Sheriff's Office. Such gifts and donations can help expand important services and programs that we can provide to the community. These gifts and donations take many forms including cash with or without a designated purpose, or new or used equipment.

203.1.1 POLICY

All requests to receive a gift or donation shall be forwarded through the chain of command to the Office of the Sheriff for review and approval. The decision to accept donations or gifts rests with the Sheriff. Acceptance of the gift or donation shall result in a clear benefit, and be consistent with priorities, goals and objectives of the Sheriff's Office.

If approved, the gift or donation shall not be automatically construed to result in publicity, advertisement, or promotional use. Any decision to publicize the donation shall be examined on the individual circumstance. The Sheriff will screen all donation proposals for potential conflicts of interest and the possibility of negative publicity. A letter shall be prepared acknowledging receipt of the donation and expressing gratitude on behalf of the Sheriff's Office.

This policy applies to all areas and divisions of the Sheriff's Office, including volunteer groups, specialized sections, support organizations, or any other group associated with the Sheriff's Office or which would be the source of funds, equipment or any other items contributed to any Sheriff's Office operation. Accepting a gift or donation without proper approval is grounds for discipline.

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Emergency Operations Plan

204.1 PURPOSE AND SCOPE

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

204.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated in a number of ways. The Sheriff or the highest ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

204.2.1 RECALL OF PERSONNEL

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

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

204.3 LOCATION OF THE PLAN

The manual for employees is available in the Office of Emergency Services (OES) office and the OES website. All supervisors should familiarize themselves with the Emergency Operations Plan and what roles Sheriff's Office personnel will play when the plan is implemented.

204.4 UPDATING OF MANUALS

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

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Training

205.1 PURPOSE AND SCOPE

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

205.2 POLICY

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

205.3 PHILOSOPHY

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

205.4 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of our personnel.

(c) Provide for continued professional development of office personnel.

(d) Ensure compliance with POST rules and regulations concerning law enforcement training.

205.5 TRAINING SERGEANT

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

205.5.1 TRAINING RESTRICTION

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

205.6 TRAINING PLAN

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

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- Legislative Changes
- State Mandated Training
- Critical Issues Training

205.7 TRAINING NEEDS ASSESSMENT

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

205.8 TRAINING COMMITTEE

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

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

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

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

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

The Training Sergeant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and available resources.

205.9 TRAINING PROCEDURES

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

1. Court appearances
2. First choice vacation

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3. Sick leave
4. Physical limitations preventing the employee's participation.
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

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Administrative Communications

206.1 PURPOSE AND SCOPE

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

206.2 OFFICE E-MAIL

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

206.3 WRITTEN CORRESPONDENCE

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

206.4 SURVEYS

All surveys made in the name of the Office shall be authorized by the Sheriff.

206.5 INFORMATION BULLETINS

The purpose of an Information Bulletin is to facilitate efficient office-wide communication that is screened and approved by the Office of the Sheriff. Information Bulletins will be used periodically to announce and document various activities or information that may be helpful to all office members.

Examples of information which may be distributed via Information Bulletin are as follows:

- Member transfers
- Welcome/promotion ceremonies
- Separations
- Recruitment/appointment to specialized positions
- Recruitment for promotions
- Administrative information/announcements
- Training opportunities
- Office functions/events

All Information Bulletins are managed and distributed by the Sheriff's Executive Secretary or an authorized alternative with expressed permission.

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License to Carry a Firearm

207.1 PURPOSE AND SCOPE

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

207.1.1 APPLICATION OF POLICY

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

207.2 POLICY

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

207.3 APPLICATION PROCESS

The application process for a license to carry a firearm involves a series of stages. Upon the successful completion of each stage, the applicant will advance until the process is completed and the license is either issued or denied.

207.4 QUALIFIED APPLICANTS

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

(a) Be deemed not to be a disqualified person as provided in Penal Code § 26202.

(b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).

(c) Be a resident of the County of El Dorado (Penal Code § 26150; Penal Code § 26155).

(d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).

(e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).

(f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).

(g) Pay all associated application fees (Penal Code § 26190).

(h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the El Dorado County Sheriff's Office (Penal Code § 26162).

(i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

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

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License to carry permit, application, and licenses are public record pursuant to case law decision (CBS, Inc. v. Block).

207.4.1 NEW APPLICANTS

(a) Any individual applying for a license to carry a concealed weapon shall first fully complete a uniform Concealed Weapons License Application to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 26180(a) and (b)).

(b) At the time the completed application is submitted, the applicant may submit payment via credit card for the required application fee.

1. The application fee does not include any additional fees required for training or psychological testing.

2. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6(a) or (b) (Penal Code § 26170).

(c) At the time of completed application, the applicant will be required to schedule an appointment for interview and livescan with the Sheriff or authorized designee. During that time there may be further discussion of any potential reasonable restrictions, conditions that might be placed on the license, or further background investigative inquiries.

(d) The applicant shall be required to submit one (1) full set of fingerprints, to be submitted to the Department of Justice (DOJ) for a complete criminal background check. The applicant will be required to be digitally photographed at the time of appointment.

(e) The applicant may be required to provide written evidence from a licensed physician that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealed weapon. (NOTE: All costs associated with this requirement shall be paid by the applicant.) Failure to provide satisfactory evidence of medical fitness shall result in removal of the applicant from further consideration.

(f) The Sheriff may require that the applicant be referred to a licensed psychologist acceptable to the licensing authority. The applicant may be charged for the actual cost of the assessment. In no case shall the amount charged to the applicant for the psychological assessment exceed the reasonable costs to the licensing authority (Penal Code§ 26190(e)(1)).

(g) The applicant may be required to submit any weapon to be considered for a license to the Sheriff's Office Armorer/Rangemaster or other Sheriff's Office authorized gunsmith for a full safety inspection. The Sheriff reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer's specifications.

Once the Sheriff or authorized designee has reviewed the completed application package and relevant background information, the application will either be granted or denied.

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Whether an application is approved or denied, the applicant shall be notified in writing consistent with the written notice section of this policy and prevailing law.

207.4.2 LICENSE RENEWAL

No earlier than ninety (90) days prior to the expiration of any valid license to carry a concealed weapon, the licensee may apply to the Sheriff for a renewal by completing the following:

(a) Fully complete the California Department of Justice (DOJ) application (Penal Code§ 26175).

(b) The applicant may be required to submit any weapon to be considered for a license to the Sheriff's Office Armorer/Rangemaster or other Sheriff's Office authorized gunsmith for a full safety inspection. The Sheriff reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer's specifications.

(c) Payment of a non-refundable renewal application fee. This fee may be submitted via credit card at the time of application. If the applicant waives this, they will be required to pay at the time of approval with cash or check.

Once the Sheriff or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a concealed weapon will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal. Whether an application for renewal is approved or denied, the applicant shall be notified in writing consistent with the written notice section of this policy and prevailing law.

207.5 ISSUED FIREARMS PERMITS

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

(a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175.

(c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).

1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in

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Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

(d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

(e) The licensee shall notify this Office in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Office shall notify the California DOJ (Penal Code § 26210).

207.5.1 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Sheriff's Office in order to accomplish one or more of the following:

(a) Add or delete authority to carry a firearm listed on the license.

(b) Change restrictions or conditions previously placed on the license.

(c) Change the address or other personal information of the licensee.

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

207.5.2 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Sheriff for any of the following reasons:

(a) If the licensee has violated any of the restrictions or conditions placed upon the license.

(b) If the licensee engages in any conduct in violation of Penal Code § 26200.

(c) If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon.

(d) If the licensee is determined to be within a prohibited class described in Penal Code § 29800 or § 29900 or Welfare and Institutions Code § 8100 or § 8103.

(e) If the licensee establishes residency outside of El Dorado County.

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

If any license is revoked, the Office will immediately notify the licensee and the Department of Justice pursuant to Penal Code § 26225.

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207.6 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

(a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of El Dorado (Penal Code § 26150).

(b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).

(c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

(d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

207.7 OFFICE REPORTING AND RECORDS

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

(a) The denial of a license.

(b) The denial of an amendment to a license.

(c) The issuance of a license.

(d) The amendment of a license.

(e) The revocation of a license.

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

207.8 WRITTEN NOTICE FOR DENIAL OF LICENSE

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

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

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

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207.8.1 ADDITIONAL REQUIREMENTS

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

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

207.9 POLICY AVAILABILITY

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

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Retired Deputy CCW Endorsements

208.1 PURPOSE AND SCOPE

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

208.2 POLICY

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

208.3 LEOSA

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

(a) Separated from service in good standing from this Office as a deputy.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this Office.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this Office where the deputy acknowledges that they are not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

208.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this Office, may carry a concealed firearm under 18 USC § 926C when they are:

(a) In possession of photographic identification that identifies them as having been employed as a law enforcement officer, and one of the following:

(a) An indication from the person's former law enforcement agency that they have, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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(b) A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on their property if such prohibition is permitted by California law.

208.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

(a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any deputy who retires in lieu of termination.

(b) No CCW Approved endorsement shall be issued to any deputy retiring because of a psychological disability (Penal Code § 26305).

208.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

(a) A photograph of the retiree.

(b) The retiree's name and date of birth.

(c) The date of retirement.

(d) The name and address of this Office.

(e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

208.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

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

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(b) This Office is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.

(c) The retiree is in compliance with all of the requirements of this Office for the issuance of a CCW Approved endorsement.

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

208.5 FORMER DEPUTY RESPONSIBILITIES

A former deputy with a card issued under this policy shall immediately notify the Shift Supervisor of their arrest or conviction in any jurisdiction, or that they are the subject of a court order, in accordance with the Reporting of Employee Convictions policy 1010.

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

(a) Sign a waiver of liability of the Office for all acts taken related to carrying a concealed firearm, acknowledging both their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Office.

(b) Remain subject to all applicable Office policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that they are not prohibited by law from receiving or possessing a firearm.

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

(a) Qualify annually with the authorized firearm at a course approved by this Office at the retired deputy's expense.

(b) Remain subject to all applicable Office policies and federal, state and local laws.

(c) Not engage in conduct that compromises public safety.

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

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

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

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

(a) In the event that a CCW endorsement is initially denied, the retired deputy shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Office shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Office, one selected by the retiree or their employee organization, and one selected jointly (Penal Code § 26320).

(a) The decision of such hearing board shall be binding on the Office and the retiree.

(b) Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender their identification card. The Office will then reissue a new identification card which shall be stamped "No CCW Privilege."

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Shift Supervisor as soon as practicable. The Shift Supervisor should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise them of the temporary suspension and hearing information listed below.

(a) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).

(b) The Shift Supervisor should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff or designee.

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(c) The personal and written notification should be as follows:

(a) The retiree's CCW endorsement is immediately and temporarily suspended.

(b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.

(c) The retiree will forfeit their right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

(d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Shift Supervisor should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Shift Supervisor may request that a law enforcement officer from that agency act as the agent of the Office to deliver the written notification.

208.8 FIREARM QUALIFICATIONS

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

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the member or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows themself to be searched, escorted, handcuffed, or restrained.

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

Totality of the circumstances - All facts known to the member at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.2 POLICY

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

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

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The office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting members with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

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

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

300.2.2 FAIR AND UNBIASED USE OF FORCE

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

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.2.4 FAILURE TO INTERCEDE

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

300.3 USE OF FORCE

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

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

Given that no policy can realistically predict every possible situation members might encounter, members are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Members may only use a level of force that they reasonably believe is

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall a member be deemed the aggressor or lose their right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

(b) The conduct of the individual being confronted, as reasonably perceived by the member at the time (Penal Code § 835a).

(c) Member/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of members available vs. subjects).

(d) The conduct of the involved member leading up to the use of force (Penal Code § 835a).

(e) The effects of suspected drugs or alcohol.

(f) The individual's apparent mental state or capacity (Penal Code § 835a).

(g) The individual's apparent ability to understand and comply with member commands (Penal Code § 835a).

(h) Proximity of weapons or dangerous improvised devices.

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(i) The degree to which the subject has been effectively restrained and their ability to resist despite being restrained.

(j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

(k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

(l) Training and experience of the member.

(m) Potential for injury to members, suspects, bystanders, and others.

(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the member.

(o) The risk and reasonably foreseeable consequences of escape.

(p) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the member or others.

(r) Prior contacts with the subject or awareness of any propensity for violence.

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the member.

(c) Whether the person has been given sufficient opportunity to comply.

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

300.3.4 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

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300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

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

(a) Summoning additional resources that are able to respond in a reasonably timely manner.

(b) Formulating a plan with responding members before entering an unstable situation that does not reasonably appear to require immediate intervention.

(c) Employing other tactics that do not unreasonably increase member jeopardy.

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

(a) Attempts to de-escalate a situation.

(b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

300.3.8 ADDITIONAL RESTRICTIONS

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

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safely secured and placed into a recovery position (e.g., supine or seated), members should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

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

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

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

(a) A member may use deadly force to protect themself or others from what they reasonably believe is an imminent threat of death or serious bodily injury to the member or another person.

(b) A member may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the member reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. When feasible, members should take

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reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A member should only discharge a firearm at a moving vehicle or its occupants when the member reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the member or others (Government Code § 7286(b)).

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

300.4.2 DISPLAYING OF FIREARMS

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

(a) If the member does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.

(b) If the member reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the member no longer perceives such threat.

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The member should articulate the factors perceived and why they believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the office may require the completion of additional report forms, as specified in office policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 REPORT RESTRICTIONS

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

300.5.2 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable member to conclude that the individual may have experienced more than momentary discomfort.

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(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a conducted energy device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

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

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

300.5.3 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Unit.

300.6 MEDICAL CONSIDERATIONS

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

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed.

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

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple members to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered

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medical emergencies. Members who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

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

(a) Obtain the basic facts from the involved member. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived their *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.8 TRAINING

Deputies, Correctional Officers, Sheriff's Security Officers, and supervisors will receive annual training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

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300.8.1 TRAINING REQUIREMENTS
Required annual training shall include:

(a) Legal updates.

(b) De-escalation tactics, including alternatives to force.

(c) The duty to intercede.

(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

(g) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

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

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

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

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

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

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

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Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

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

301.2 POLICY

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

301.3 USE OF RESTRAINTS

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

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

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies, detainees and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

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

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor determines that such restraints

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

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

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

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

301.5 APPLICATION OF SPIT HOODS

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

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

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

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

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

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

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

301.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

(a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting deputy while handcuffed, kicking at objects or deputies).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

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

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

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(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.

(e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.8 REQUIRED DOCUMENTATION

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

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

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

301.9 TRAINING

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

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Control Devices and Techniques

302.1 PURPOSE AND SCOPE

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

302.2 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

302.3 RESPONSIBILITIES

302.3.1 SHIFT SUPERVISOR RESPONSIBILITIES

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

302.3.2 RANGEMASTER/ARMORER RESPONSIBILITIES

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

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

302.3.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster/Armorer for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

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302.4 BATON GUIDELINES

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

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

302.5 TEAR GAS GUIDELINES

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

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

302.6 OLEORESIN CAPSICUM (OC) GUIDELINES

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

302.6.1 OC SPRAY

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

302.6.2 PEPPER PROJECTILE SYSTEMS

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

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

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Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

302.6.3 TREATMENT FOR OC SPRAY EXPOSURE

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

302.7 KINETIC ENERGY PROJECTILE GUIDELINES

The El Dorado County Sheriff's Office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

302.7.1 DEPLOYMENT AND USE

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

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

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302.7.2 DEPLOYMENT CONSIDERATIONS

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

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

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

302.7.3 SAFETY PROCEDURES

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

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

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

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

302.8 TRAINING FOR CONTROL DEVICES

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

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the deputy's training file.

(c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of

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Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

302.9 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Officer-Involved Shooting

303.1 PURPOSE AND SCOPE

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

303.2 INVESTIGATION RESPONSIBILITY

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

303.3 TYPES OF INVESTIGATIONS

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

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Sheriff or a Division Commander

(b) A criminal investigation of the involved officer(s) conducted by an outside agency

(c) A civil investigation to determine potential liability conducted by the involved officer's agency

(d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy

303.4 JURISDICTION

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

303.4.1 EL DORADO COUNTY SHERIFF&APOS;S OFFICE OFFICER_DEPUTY WITHIN THIS JURISDICTION

The El Dorado County Sheriff's Office is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney's Office.

303.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The El Dorado County Sheriff's Office is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

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303.4.3 EL DORADO COUNTY SHERIFF&APOS;S OFFICE OFFICER_DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The El Dorado County Sheriff's Office will conduct timely civil and/or administrative investigations.

303.4.4 INVESTIGATION RESPONSIBILITY MATRIX

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

	Criminal Investigation of Suspect(s)	**Criminal Investigation of Officer(s)**	**Civil Investigation**	**Administrative Investigation**
EDSO Deputy in This Jurisdiction	EDSO Investigators	District Attorney's Office	EDSO Civil Liability Team	EDSO Internal Affairs Unit
Allied Agency's Officer in This Jurisdiction	EDSO Investigators	District Attorney's Office	Involved Officer's Department	Involved Officer's Department
EDSO Deputy in Another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	EDSO Civil Liability Team	EDSO Internal Affairs Unit

303.5 THE INVESTIGATION PROCESS

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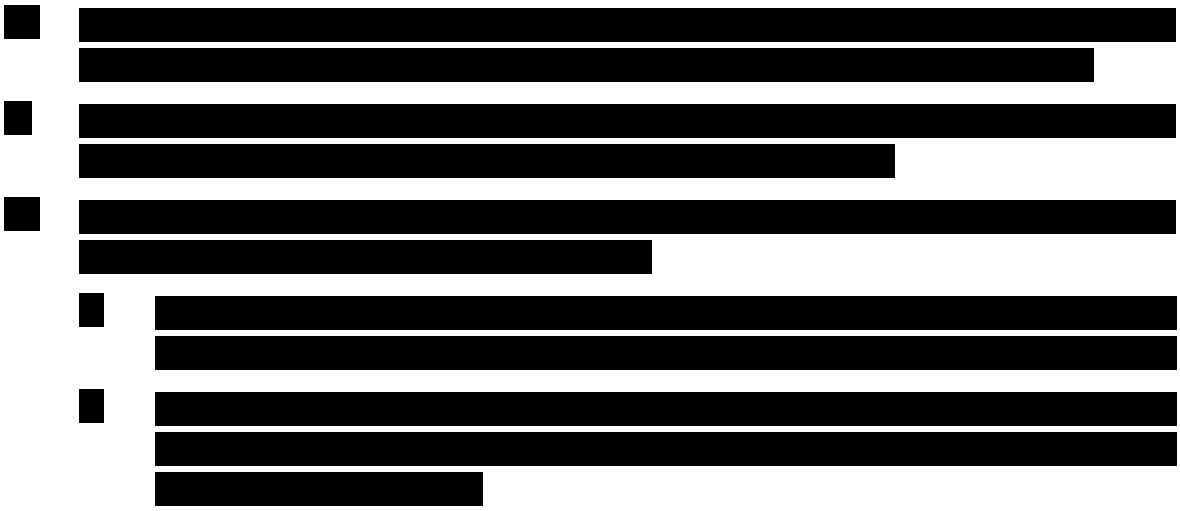

303.5.2 SHIFT SERGEANT DUTIES

Upon learning of an officer-involved shooting, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until relieved by the Sheriff or a Division Commander.

303.5.3 NOTIFICATIONS

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

- Sheriff
- Investigations Unit Division Commander
- District Attorney OIS rollout team
- Internal Affairs Unit supervisor
- Civil Liability Response Team
- Psychological/Peer support personnel
- Coroner (if necessary)
- Deputy representative (if requested)

All outside inquiries about the incident shall be directed to the Shift Supervisor.

303.5.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Shift Supervisor, Investigations Unit Division Commander and Public Information Officer in the event of inquiries from the media.

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

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

303.5.5 INVOLVED OFFICERS

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

(a) Any request for department or legal representation will be accommodated, however, no involved deputy shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.

(d) A psychotherapist shall be provided by the Department to each involved deputy, or any other deputy, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.

2. An interview or session with a licensed psychotherapist may take place prior to the involved deputy providing a formal interview or report, but the involved deputies shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness deputy.

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

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

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

303.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

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303.6.2 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize the District Attorney's Office to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

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

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

(a) Supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of deputies. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

(b) If requested, any involved deputy will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) Any voluntary statement provided by the deputy(s) will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved deputy or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

303.6.3 REPORTS BY INVOLVED OFFICERS

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

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

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

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

303.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

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

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with deputies.

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303.7 ADMINISTRATIVE INVESTIGATION

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303.8 AUDIO AND VIDEO RECORDINGS

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

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

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the District Attorney or County Counsel's Office as appropriate.

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Officer Involved Critical Incident Protocol

304.1 FORWARD

Investigations of critical incidents involving police employees often place extraordinary demands upon the individuals and agencies involved. In addition to the knowledge, skill and resources required to investigate civilian homicide cases, officer-involved critical incidents present unique combinations of complexities.

These cases tend to attract considerable interest from segments of the public and from the news media. The public's right to know what occurred may require balancing with investigative necessity, rights of privacy or rights to a fair trial. Doubts may be expressed by some about the propriety of police agencies conducting investigations of fatalities, which involved their own officers as actors or victims.

The individuals and agencies involved in such critical incidents as well as those involved in the subsequent investigations must realize that each incident has potential social, civil, administrative and criminal consequences. Incident investigators and agency managers must understand the legal rights, obligations and authority of the agencies and individuals involved. They must specifically recognize and reconcile police officers' constitutional rights against their rights and obligations resulting from the employer/ agency relationship.

Confusion, even conflict can occur among individuals and agencies based upon different interests, duties, perspectives, authority, training and resources. Unless resolved in advance, questions such as who conducts the investigation, what type of investigation should be performed and who should be present when an involved officer is interviewed can delay and even compromise an investigation.

Because these demands and complications exist, this Protocol was developed in El Dorado County to serve as a model or guideline for the investigation of officer-involved critical incidents in El Dorado County. The goal of the Protocol is to help assure that such cases are thoroughly and fairly investigated.

While this Protocol represents the understanding and agreement among member agencies about how such cases are to be investigated, it is anticipated that individual agencies will make minor modifications, not affecting interdepartmental provisions, to meet agency requirements.

This Protocol, which is neither a statute, nor both ordinance or regulation, is not intended to increase the civil or criminal liability of member agencies or their employees, and it shall not be construed as creating any mandatory obligations to, or on behalf of, third parties.

304.2 DEFINITIONS

(a) **Officer-Involved Critical Incidents** - Incidents occurring in El Dorado County involving two or more people, in which a police agency employee is involved as an Actor, Victim or custodial officer, where a "Critical Injury" (see 1.F. page 3) occurs. Such "Incidents" include but are not limited to the following:

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1. Intentional and accidental shootings, including police tactical incidents involving specialized response teams.
2. Intentional and accidental use of any other dangerous or deadly weapons.
3. Assaults upon police officers; assaults on other police employees who are on duty or are acting for a law enforcement purpose.
4. Attempts by police employees to make arrests or to otherwise gain physical control for a law enforcement purpose.
5. Physical altercations, mutual combat, and domestic violence in which the police employee is acting in a private citizen capacity.
6. Any fatal injury in police custody, but excluding fatal injuries of prisoners which occur while the inmate is under physicians treatment for a disease or other natural condition which has been diagnosed prior to death and which does not involve custodial trauma, custodial suicide or custodial ingestion of toxic substance.
7. Any fatal injury to a person who is a passenger of a police officer (such as ride-along, emergency transports, etc.).
8. Vehicular collisions, and specifically
    (a) Including any vehicle fatality which occurs:
        1. after, although not necessarily as a proximate cause of, police gunfire directed at the suspect or the suspect vehicle;
        2. in connection with use of vehicle(s) by police as an "enforcement intervention" technique intended to apprehend a suspect. ("Enforcement intervention" includes vehicle ramming, roadblocks, and forcing a vehicle to alter its course by cutting in front of it or by contact.);
        3. police pursuits wherein the suspect vehicle which is being pursued by police vehicle(s) collides with another vehicle, a pedestrian or an object, where that collision did not result from collision contact between the suspect vehicle and a police vehicle or from "enforcement intervention" (see preceding 1&2).
    (b) Excluding any vehicle fatality which involves:
        1. Off-duty non-sworn police employees who are not at the time of the Incident acting for an actual, apparent or purported law enforcement purpose;

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2. Solo vehicular collisions in which the only injury is suffered by a police employee who was the driver and sole occupant of a vehicle which was not involved in a collision with any other occupied vehicle;

(b) **Police Employee -** This Protocol applies to employees and to certain other people affiliated with the law enforcement agencies which are members of this Protocol agreement, as follows:

1. Full-time, part-time, and hourly sworn officers, whether on-duty or off-duty, and whether acting for law enforcement or a private purpose at the time of the Incident.

2. Full-time unsworn employees who are on-duty at the time of the Incident, or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident

3. Part-time unsworn employees: same as number 2 above.

4. Reserve police officers who are on-duty or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident.

5. Temporary employees and volunteers whether paid or unpaid, who are on-duty or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident. This category includes informants when they are working under the direct control and supervision of a police officer.

(c) **Actors:**

1. A person whose act is a "proximate cause" of a fatal injury to another person; or

2. A person who intends that his/her act be a "proximate cause" of serious bodily injury or death to another person who is actually killed by another.

(d) **Victim** - The person who is injured by the act of the Actor, whether or not intentionally. When used in this Protocol, this word does not imply existence of criminality; it is used simply to designate the person who is physically injured.

(e) **Proximate Cause** - A cause which, in a natural and continuous sequence, produces the fatal injury, without which cause the injury would not have occurred. Reasonable foreseeability of the fatal injury is not a factor relevant to this definition.

(f) **Critical Injury** - Death, or injury which is so severe that death is likely to result.

(g) **Venue Agency** - The agency, or agencies, within whose geographical jurisdiction the Incident occurs. (see Section 311.2 (a) 7 for Venue determination factors.)

(h) **Employer Agency** - The agency by whom the involved police employee is employed or with which he/she is affiliated. (In many cases the Venue Agency will also be the Employer Agency.)

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(i) **Criminal Investigators** - Those investigators assigned by the Venue Agency(ies), the Employer Agency(ies), the California Highway Patrol (when applicable), the Probation Department, the Welfare Department and the District Attorney's office to conduct the criminal investigation of the Incident.

(j) **Administrative Investigators** - Those investigators assigned by the Employer Agency to conduct the Administrative Investigation of the Incident (see Section 311.2 (b)).

(k) **Member Agencies** - The law enforcement agencies in El Dorado County which are members of this Protocol agreement.

304.3 INVOCATION OF THIS PROTOCOL

(a) **Automatic and Immediate** - Upon the occurrence of an Officer-Involved Critical Incident (see Section 311.2 (a) DEFINITIONS), this Protocol is automatically effective immediately upon the occurrence.

1. **Optional:** Each Member Agency of this agreement, when in the capacity of a Venue Agency or Employer Agency, may itself invoke this Protocol upon the occurrence of any sensitive or critical event involving a police employee which may have possible criminal liability attached. Upon this unilateral invocation, the matter will be investigated under the provisions of this Protocol.

    (a) Examples:

        1. a fatality which is not covered by this Protocol

        2. an officer-involved incident where the injuries are not fatal

        3. any other sensitive or critical event involving a police employee where criminal conduct is a possibility to be investigated.

    (b) Each member agency has discretion to decline participation in Optional invocations.

2. In lieu of invoking the Optional provisions above, the involved agency(ies) may investigate the matter by itself or may seek aid from other agencies.

304.4 INVESTIGATIVE AGENCIES, FORMATS AND RESPONSIBILITIES:

To properly recognize and accommodate the various interests and the various rules of law which may be involved in any Incident, investigations of these matters must be performed under two separate investigative formats: (a) The Criminal Investigation; and (b) The Administrative Investigation.

304.4.1 CRIMINAL INVESTIGATIONS

The Criminal Investigation has investigative priority over the Administrative Investigation and it begins immediately after an Incident has occurred.

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It is performed by criminal investigators from the Venue Agency(ies), the Employer Agency(ies), the California Highway Patrol (when applicable), the Placerville Police Department, The South Lake Tahoe Police Department and the District Attorney's office formed into a Task Force for each Incident. The participating agencies will work together during the investigation. However, and more importantly, the agency within whose geographical jurisdiction the incident occurs has the ultimate authority to decide irreconcilable investigative issues.

Its goal is to develop all available relevant information about the Incident. This information will be used in two ways:

(a) To determine presence or absence of criminal liability on the part of all those involved in the Incident. Specifically:

1. To determine whether the nature and the quality of the conduct involved is prohibited by statutes which provide for criminal penalties upon conviction; and
2. If criminal conduct does exist, determine the identity of the person(s) responsible for that conduct; and
3. If criminal conduct does exist, determine the degree of the crime(s); the existence of any factual or legal defenses to that crime; and to determine the presence or absence of any factors which would mitigate or aggravate punishment for that crime.
4. To incidentally provide factual information to the Employer Agency's management for its internal use. (While the Criminal Investigators do not direct their investigative attention to Administrative concerns, it is recognized that the Criminal investigation's results are of proper interest to Agency Management for its internal use and those results are fully available for that purpose).

(b) The investigation is required to follow the rules of law which apply to all criminal proceedings including constitutional, statutory and case law regarding rights which are covered by the United States Constitution's 4th, 5th, 6th, and 14th Amendments.

(c) It is performed in a manner that provides both the appearance and the reality of a thorough, fair, complete and professional investigation which is free of conflicts of interest.

(d) Walk €š“Through:

1. Scene walk-throughs can be extremely valuable, providing investigators with insight as to the mechanics of the incident.
    (a) When applicable, a walk-through of the scene should be limited to; 1- Involved officer 1- Officer's attorney 1- Lead investigator 1- Lead CSI investigator
    (b) If practical, efforts will be made to allow additional Task Force members the opportunity to see and hear the content of the walk-through. Ultimately, the

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Venue Agency will decide irreconcilable differences, regarding the number of investigators entering the scene.

(e) Venue Determination:

(a) When an Incident occurs in part in two or more jurisdictions, each of those jurisdictions is a Venue Agency.

(b) When an Incident occurs on the boundary of two jurisdictions, or at a location where the relevant boundary is not readily ascertainable or is in dispute the Venue Agency(ies) shall be:

(a) The Employer Agency if the Actor is employed by either boundary agency.

(b) Both boundary agencies if Actors are employed by both.

(c) The agency which has the greater interest in the case by virtue of having the predominant police involvement in the Incident or by virtue of having had the majority of acts leading up to the fatality occur within its jurisdiction.

(c) For custodial deaths, the agency having custody of the person at the time his/her distress was first discovered is a Venue Agency. Also a Venue Agency is the one within whose jurisdiction any fatal stroke was inflicted.

(a) If the death was caused by conduct which was apparently criminal, the lead Venue Agency is one within whose geographical jurisdiction the act occurred. If there is apparently no criminal conduct involved in the cause of death, the lead Venue Agency is the one having custody of the victim when distress was first discovered. If the death occurs in a jail, the Sheriff will be the lead agency. Note: It will be at the discretion of the Sheriff, to activate the Critical Incident Protocol to investigate deaths within the jail. At minimum, a representative from the District Attorney's Office will respond and work with Sheriff's investigators.

(d) If an on-duty police officer (sworn) is involved as the Actor in an Incident which occurs within the jurisdiction of another Member Agency, and if that officer was acting in the performance of his/her duty at the time of the Incident, the/a Venue Agency may elect to relinquish its role in the Criminal Investigation to the other Task Force agencies.

(e) When a Venue or Employer Agency lacks sufficient resources, or when it believes it cannot properly investigate an Incident for another reason, it has two options:

(a) Obtain criminal investigative assistance from other Member Agency(ies). Borrowed officers would then be assigned to the Criminal Investigation Task Force as members of the requesting agency.

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(b) Relinquish criminal investigative responsibilities to another Member Agency or to the California Department of Justice.

(f) **Vehicle collision Incidents:**

1. Accidental collision fatalities shall be investigated by Task Force criminal investigators, joined by accident investigation specialists from the California Highway Patrol (CHP) or from another agency. The accident investigation specialists have the primary responsibility for documentation, collection and preservation of physical evidence.

2. If the fatality results from a collision that was not accidental (e.g. use of "enforcement intervention" techniques), OR if vehicle movement was merely incidental to a fatality which was caused by non vehicular means, the accident investigation specialists may be used by the Task Force for that phase of the investigation, but their role will be limited to investigation of physical movement of the vehicle(s) and to collision reconstruction.

(g) **Scene security:**

1. Each Agency has initial responsibility for immediately securing crime scene(s) within its territorial jurisdiction (See Section 311.4.1(h)(2) and 311.4.1(j) for scene procedures). This responsibility includes preservation of the integrity of the scene(s) and its/their contents, access control, and the identification and sequestration of witnesses. Responsibility may be changed by mutual agreement as the investigation progresses.

(h) **Responsibility for physical evidence collection, preservation and analysis:**

1. The Task Force Team has the responsibility for documentation of the scene(s) and for the collection, preservation and analysis of physical evidence except in some vehicular fatalities (See Section 311.4.1(f)(1)). The Task Force investigator has the discretion to request assistance from the CSI Unit. The Task Force investigator has the ultimate responsibility for the collection of evidence.

2. The Venue or Employer Agency(ies) may be requested by the Task Force investigator to furnish officers to assist with evidence and scene documentation, collection and preservation. Officers so involved will work under the direction of the venue agency's lead investigator, and or CSI lead investigator. Prior to final relinquishment of the scene, the Task Force investigators and the criminalist (and CHP investigators when applicable) will provide the Administrative Investigators an opportunity to assess the need for further evidence processing.

(i) **Notifications:**

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1. Upon identifying an occurrence as an Officer Involved Critical Incident, the Venue Agency(ies) shall make the following notifications as promptly as possible to:

2. (a) Intradepartmental officers, as required by that agency's procedures

(b) The Employer Agency, if applicable and if not yet aware

(c) The District Attorney's On Call Deputy District Attorney and investigator, the Placerville Police Department, and the South Lake Tahoe Police Department (directly by telephone, or through Dispatch)

(d) For vehicular collision deaths, the California Highway Patrol or another agency (See Section 311.4.1(f)(1) and (2)). The California Highway Patrol should be notified through a supervisor at the appropriate field office: South Lake Tahoe (530) 577-1001 (public); (530) 577-3436 (confidential); Truckee Communication Center (530) 582-7550; Placerville Area 622-1110 (public); CHP Dispatch (530) 622-7550 (confidential); Sacramento Communications Center (916) 861-1299

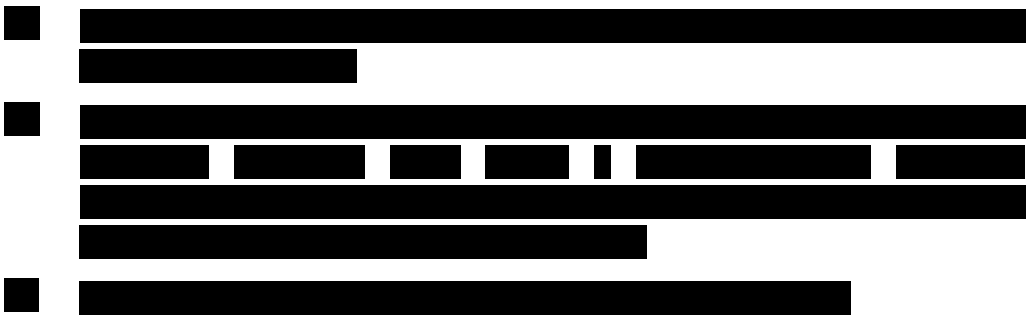
(e) The Coroner's office, upon confirmation of a fatality. This is a required notification (Body removal can be delayed as necessary for evidence processing).

(f) Members of this Protocol agree that, as to the notification to their agencies required by Penal Code 5021, that statute will be considered complied with if the appropriate agencies are promptly notified of the death in accordance with this Protocol and if those agencies are involved in the investigation of the death as a member of the Task Force.

(j) **Scene Procedures:** (also see Checklist Attachment A, in the back of this Protocol)

(a) Emergency life saving measures have the first priority.

(b) If a person is transported to a hospital with "fatal injuries", an officer should accompany that injured person in the same vehicle in order to:



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- [redacted]
- [redacted]
- [redacted]

(c) The scene(s) must be secured immediately with a perimeter established for each a sufficient distance away to safeguard evidence. In some circumstances an inner and an outer perimeter are appropriate.

- [redacted]
- [redacted]
- [redacted]
- [redacted]

(d) If any type of weapon or instrument was involved in the fatal incident, the supervisor at the scene will promptly see to the security and/or collection of such items, as follows:

- [redacted]
- [redacted]
- [redacted]

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[redacted]

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[redacted]

(k) **Transporting and Sequestering of Involved officers:**

(a) Officers who were present at the scene at the time of the Incident, whether Actors or Witnesses, will be relieved of their duties at the scene as promptly as possible and shall be sent to their own police station unless other suitable and agreeable arrangements are made for them. Officer(s) not involved in the Incident shall be assigned to accompany these officers, either in a group or individually. Actors should be driven to the station by an uninvolved officer.

(b) If circumstances prohibit removal of all witnessing and involved officers from the scene at once, those officers who were Actors should be relieved first.

(c) An uninvolved officer shall remain with the involved officers, either in a group or individually, until they can be interviewed. The sequestering officers are present to ensure the officers have privacy that their needs are accommodated, and to ensure the integrity of each officer's later statements to investigators.

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They should not be present during confidential (privileged) conversations (See Section 311.4.1(n)(1)(i)(2)).

(d) Involved officers are not to discuss the case among themselves, with sequestering officers, or with others except their representatives.

(e) While awaiting interviews, involved officers are encouraged to relax and to carefully reflect upon what occurred. They may wish to make notes for their future use, especially for later interviews.

(l) **Custodial Death scenes:**

(a) When an Incident occurs in a jail facility or other location where inmates may have witnessed something, inmates should be identified and separated if possible pending interviews by criminal investigators.

(m) **Selection of Primary Investigators:**

(a) Selection of the primary investigator(s) by the Task Force Agencies is of great importance. Generally, the best available investigator(s) should receive the assignment. These qualifications are important.

(a) Experience in homicide investigations (or vehicular collisions, if applicable). Investigation experience in other crimes against persons is helpful. Generally, venue agency participants with homicide experience, should under normal circumstances conduct interviews of involved officers. Each agency has the discretion to defer involved officer interviews to other member agencies.

(b) Ability to effectively interview people of various backgrounds.

(c) Good working knowledge of physical evidence collection and preservation techniques, and an appreciation of the abilities and limitations of scientific evidence.

(d) Good knowledge of police operational procedures and the criminal justice system.

(e) Excellent report writing and communication skills.

(f) Good organizational and supervisory skills.

(g) Respected professionally by those with whom he/she works for being competent, thorough, objective, fair, and honest.

(n) **Interviewing Police Employees:**

1. The Public Safety Officers Procedural Bill of Rights ("The Act") (Government Code 3300 et seq.): (See Attachment B.)

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(a) This statute has limited application to many interviews conducted by Task Force interview teams:

1. By statutory definition, The Act is applicable only to "Public Safety Officers" (which is defined in Section 3301 to include most peace officers except coroners and their deputies, and railroad police). Under this definition, The Act is not applicable to police agency employees who are not peace officers. However, by contract, MOU or otherwise, some police agencies have extended the application of The Act to their non-peace officer employees.
2. The Act is not applicable to interviews with Public Safety officers who are being interviewed by other than their Employing Agency.
3. Section 3303 of The Act (the section which pertains to the conditions and conduct of interrogations of peace officers) is not applicable to interviews with Public Safety officers (even when being interviewed by their Employing Agency) when the investigation is concerned solely and directly with "alleged criminal activities."

(b) In interview situations where an involved officer is being interviewed by a Task Force interview team, AND when a criminal investigator from the involved officer's Employer Agency is part of that interview team, AND when the involved officer is "under investigation" AND when the interview "could lead to punitive action", the following options may be available:

1. Comply with the statute.
2. Do not comply with the statute on the grounds that the investigation is, "concerned solely and directly with alleged criminal activities."
3. Consult with Administrative Investigators regarding the possibility of the Employer Agency agreeing not to use the impending statement against the interviewee in any punitive action.
4. Reconstitute the interview team by excluding the criminal investigator from the Employer Agency.
5. The Employer Agency may also have the option of foregoing its right to impose administrative punitive action on the interviewee by allowing the interview to proceed without complying with the statute (i.e. "transactional immunity", see g. this page).
6. The granting of administrative "use immunity" or administrative "transactional immunity" to an interviewee is a serious and often complicated step that must be considered carefully. Early in the investigation, sufficient facts about the employee's conduct may

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not yet be available to allow an informed and correct decision to be made. Further investigation may reveal that any type of contemplated immunity is not warranted. The desired immunized statement may not actually be necessary or independent alternative means may exist to obtain the information. Authority within the Employer Agency to grant administrative immunity may need to be defined. When immunity is given, it must be carefully and narrowly defined in writing or on audio tape and agreed to by all effected parties.

(c) If and when the interview becomes a custodial interrogation, the Miranda cases are applicable.

(d) To insure proof of voluntariness in a non-custodial interview, the Task Force interviewers may wish to advise certain interviewees of the following:

1. The interviewee is not in custody and is free to leave at any time.
2. The interviewee is not obligated to answer any questions asked by the investigators and no punitive action will be taken against the interviewee if he/she refuses to be interviewed by the Task Force Team.

(e) Government Code section 3304(a) permits heads of law enforcement agencies to order their officers to cooperate with criminal investigations being performed by other agencies. Failure to comply with such orders may result in a charge of insubordination. When applicable, interviewees may be advised of this provision. However, officers will not be compelled by threats of administrative punitive action (or otherwise) to answer questions of Task Force interviewers which would be self-incriminating.

(f) Interviews will be conducted separately.

(g) Interviews will normally be fully tape recorded.

(h) The interviewees will be considered as witnesses unless the circumstances dictate otherwise.

(i) Police employees have the same rights and privileges regarding Task Force interviews that any other citizen would have, including the right to consult with a representative prior to interview and the right to have the representative present during the interview.

1. The representative should be allowed to consult about the facts of the incident privately with only one police employee at a time.

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2. If the representative is not a doctor, lawyer, psychotherapist or priest, or an agent of such professional, the contents of private conversations between the representative and his/her police employee "client" are not privileged. (However, Government Code 3303(h) prohibits compelling the representative to disclose any information received from an officer who is under investigation for non-criminal matters.)

(o) **Intoxicant Testing:**

1. **Criminal Investigation:** Police employees have the same rights and privileges that any civilian would have regarding intoxicant testing. When Task Force investigators determine that a police employee's state of sobriety is relevant to the investigation, they have these options:

   (a) Obtain the blood and/or urine sample by valid consent.

   (b) Obtain the blood and/or urine sample incidental to valid arrest.

   (c) Obtain a search warrant.

   (d) When applicable, utilize Vehicle Code section 23612 for vehicular driving Incidents.

   (e) If an arrestee refuses to comply with the request for a sample, attempts will be made to obtain the sample in accordance with case law.

2. **Administrative Investigation:**

   (a) Intoxicant test results obtained by Task Force investigators are available to the Administrative Investigators.

   (b) In the event the Task Force does not obtain samples for intoxicant testing, the Employer Agency may then seek to obtain samples. However, the Task Force investigators have the first opportunity.

      1. Authority for the Employer Agency to obtain samples include (1) valid consent, and (2) ordering the employee to provide the samples based on the employment relationship.

      2. Some departments have blanket orders regarding employee intoxicant testing while other departments make decisions on a case-by-case basis.

   (c) Miscellaneous:

      1. Blood is the best fluid for alcohol testing, while urine is best for drug screening, optimally, samples of both should be obtained for most complete results.

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2. Samples should be collected promptly after the Incident for most meaningful results.

3. A police employee may volunteer to provide sample(s) for intoxicant testing even if Task Force and Administrative Investigators haven't obtained samples. Similarly, a person from whom Task Force or Administrative Investigators have obtained samples may request that another sample be taken for independent testing. The taking of this sample and subsequent testing will not be at the expense of the Task Force or Employer. Such a request will be promptly honored.

(p) **Autopsy:**

1. At least one member of the Task Force shall attend the autopsy, as may a District Attorney's representative from the Task Force. Investigators representing other Task Force agencies may also attend. Attendance is to be coordinated by the Task Force investigator with the autopsy pathologist. Note: The Sacramento pathology group requests a limit of two law enforcement and, if involved by request, one criminalist.

2. The autopsy pathologist will receive a complete briefing prior to the post mortem examination. This briefing, which includes all information known to that time which may be relevant to the cause, manner and means of death shall be attended by at least one member of the Task Force.

3. In vehicular collision deaths the California Highway Patrol or other accident investigation specialists have the responsibility with assistance if appropriate from the Laboratory (See Section 311.4.1(f)(1) and (2)).

4. Although the Coroner has authority to determine who attends an autopsy, it is usually advisable to allow attendance by a licensed medical doctor or licensed private investigator, or by a recognized professional criminalist, who has been retained by representatives of the decedent.

(q) **The District Attorney's Office:**

1. The District Attorney's office has the following roles in Incident Investigations:

(a) **D.A. Investigator:** Participate with and at the direction of the venue and employer agency(ies) and the California Highway Patrol (when applicable) in the Task Force performing the criminal investigation.

(b) **Deputy D.A.:** Assist and advise the Task Force on various criminal law issues which may arise, such as Miranda, voluntariness, search and seizure, probable cause to arrest, detentions and releases, elements of crimes, immunity, legal defenses

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(c) Upon completion of the Criminal Investigation, analyze the facts of the Incident as well as the relevant law to determine if criminal laws were violated.

2. The District Attorney has its own separate investigative authority. When deemed appropriate by the District Attorney (or his designated alternate in his absence), the District Attorney's office may perform an independent investigation separate from the Task Force. This separate investigation shall not parallel the Task Force investigation. If deemed necessary, this independent investigation shall take place following the completion of the Venue Agency's investigation. This will help to avoid duplicate witness interviews and contamination of evidence. It is the responsibility of the Venue Agency to assign follow up investigation following the first 24 hours of the initial incident.

(r) **Report writing:**

(a) All criminal investigators will write reports documenting their participation in the investigation.

(b) The investigators within each Task Force team will allocate and divide among themselves the responsibility for documenting interviews and observations.

(c) The lead Venue Agency has the ultimate responsibility for report writing and for collecting reports from other agencies.

(d) Prompt completion and distribution of reports is essential. All involved agencies and investigators will strive for report completion and distribution within 45 days after the Incident.

304.4.2 ADMINISTRATIVE INVESTIGATIONS

(a) In addition to its concern about possible criminal law violations by civilians and its own employees who are involved in an Incident (which concerns are addressed by the Criminal Investigation), the Employer Agency also has need for information about the Incident for non-criminal purposes:

1. **Internal Affairs:** Determination of whether or not its employees violated departmental regulations.

2. **Agency Improvement:** Determination of the adequacy of its policies, procedures, programs, training, equipment, personnel programs and supervision.

3. **Government and Community Relations:** Informing itself of the Incident's details so it may adequately inform its parent governmental body, and so it may be responsive to comments about the Incident from the public and the media.

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4. **Claims and Litigation:** Preparing for administrative claims and/or civil litigation that may be initiated by or against the agency.

(b) The Employer Agency may use an Administrative Investigation and/or a more specific "civil litigation investigation" format to investigate these concerns as it considers appropriate. While both the Criminal Investigation and the Administrative Investigation are important and should be aggressively pursued, investigative conflicts between the two formats shall be resolved by allowing the Criminal Investigation to have investigative priority. It is intended that this prioritizing will preclude competition between the two formats for access to witnesses, physical evidence, and the involved parties, and that it will prevent the Criminal Investigation from being compromised by an untimely exercise of the Employer Agency's administrative rights.

(c) The initiation of Administrative Investigations and the extent of those investigations are solely the responsibility of the Employer Agency.

(d) Interview statements, physical evidence, toxicology test results and investigative leads which are obtained by Administrative Investigators by ordering police employees to cooperate shall not be revealed to Criminal Investigators without approval of the District Attorney's office. Other results of the Administrative Investigation may or may not be privileged from disclosure to others, including the Task Force investigators, depending upon applicable law. See California Penal Code 832 6; California Government Code 3300 et seq.; (Vela v. Superior Court, 108 Cal.App.3d 141, People v. Gilliam 223 Cal. App. 3d 1254.)

(e) The Employer Agency should immediately assign at least one Administrative Investigator upon being notified of the Incident. This officer can function as a liaison between the Employer and the Task Force, can gather information for the Agency, and can be the Task Force's contact for personnel matters, even if no actual investigation is then warranted by that officer.

(f) The Task Force will promptly and periodically brief the Administrative Investigator(s) of the criminal investigation's progress. The Administrative Investigators will have access to briefings, the scene(s), physical evidence, and interviewee's statements.

(g) Administrative Investigators are not bound by some of the same investigative restrictions that apply to Criminal investigators (See Section 311.4.1(b)).

304.5 NEWS MEDIA RELATIONS

(a) The interests of the public's right to know what occurred must be balanced with the requirements of the investigation and with the rights of involved individuals.

(b) As in all other cases, care must be taken to insure that intentionally misleading, erroneous or false statements are not made.

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(c) Agencies and individuals who are not well informed and not intimately involved with the investigation's results and progress should, not make statements to the press.

(d) While any agency cannot be prohibited from making statements to the news media about an Incident, these guidelines are established:

1. The lead Venue Agency has the responsibility for making press releases about the Incident and its investigation.

   (a) "Generally the identification of the involved officer(s) will not be released for at least 48 hours as determined through coordination with the employer agency."

2. The Employer Agency: If the Employer Agency is not also the Venue Agency, fewer problems will arise, especially at the early stages of the investigation, if the Employer Agency limits its comments to the following areas:

   (a) The employer-employee relationship

   (b) Factual material revealed by the Employer Agency's own Administrative Investigation of the Incident.

   (c) Any additional information to be referred to Venue Agency.

3. The Criminalistics Laboratory Information released will usually be confined to general laboratory procedures, scientific facts and principles, and testing procedures. Specific results of searching, testing and analysis will generally not be released without clearance from an investigator from the Task Force's primary team.

4. The Coroner's office: Release of information will generally be limited to the following:

   (a) Autopsy findings, including the condition of the deceased, the cause of death, and toxicology test results, after the involved agencies have received this information.

   (b) The identity of those present at the autopsy, including the identity and affiliation of the pathologist(s).

   (c) The general nature of further medical testing or medical investigation to be done.

   (d) Information obtained by Coroner's investigators directly from medical sources, the deceased's family members, or witnesses. Information obtained from the Incident Investigators or from the involved agencies will not be released by the Coroner's office without prior clearance from those agencies.

   (e) Information regarding the holding of a Coroner's Inquest.

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(f) Comments upon the verdict of a Coroner's Inquest Jury, or upon any testimony or evidence presented to the jury.

(g) The role of the Coroner's office in the investigation of death, in general terms.

(e) If Task Force Investigators determine that the release of a specific piece of information would materially jeopardize the investigation, they shall notify those agencies possessing that knowledge of the hazards of releasing it.

(f) Interruptions to the investigators will be minimized if the agencies assign particular individuals to be the sole designated contacts with the news media.

304.6 ACCESS TO REPORTS AND EVIDENCE

(a) Material (as defined in (b) this page) which is created or collected by, or at the request or direction of, Task Force Criminal Investigators (including the Criminalistics Laboratory) will be made available in a timely manner to those agencies which have an interest in the investigation, including the Administrative Investigators. Note: Material pertaining to the criminal investigation shall be made available to the District Attorney's Office, as well as the administrative investigators upon the completion of the venue's agency's investigation.

(b) The material will include:

1. Reports, written and collected.
2. Access to physical evidence.
3. Photographs, diagrams, and video tapes.
4. Audio tape recordings.

(c) When the Task Force and/or District Attorney's office concludes that the physical evidence collected by the Criminal Investigators is no longer needed for criminal law purposes, the Employer Agency shall be notified of that so it can assume responsibility for preservation of such evidence if it desires.

304.7 SUPERVISOR'S CHECKLIST

(a) ATTACHMENT "A"

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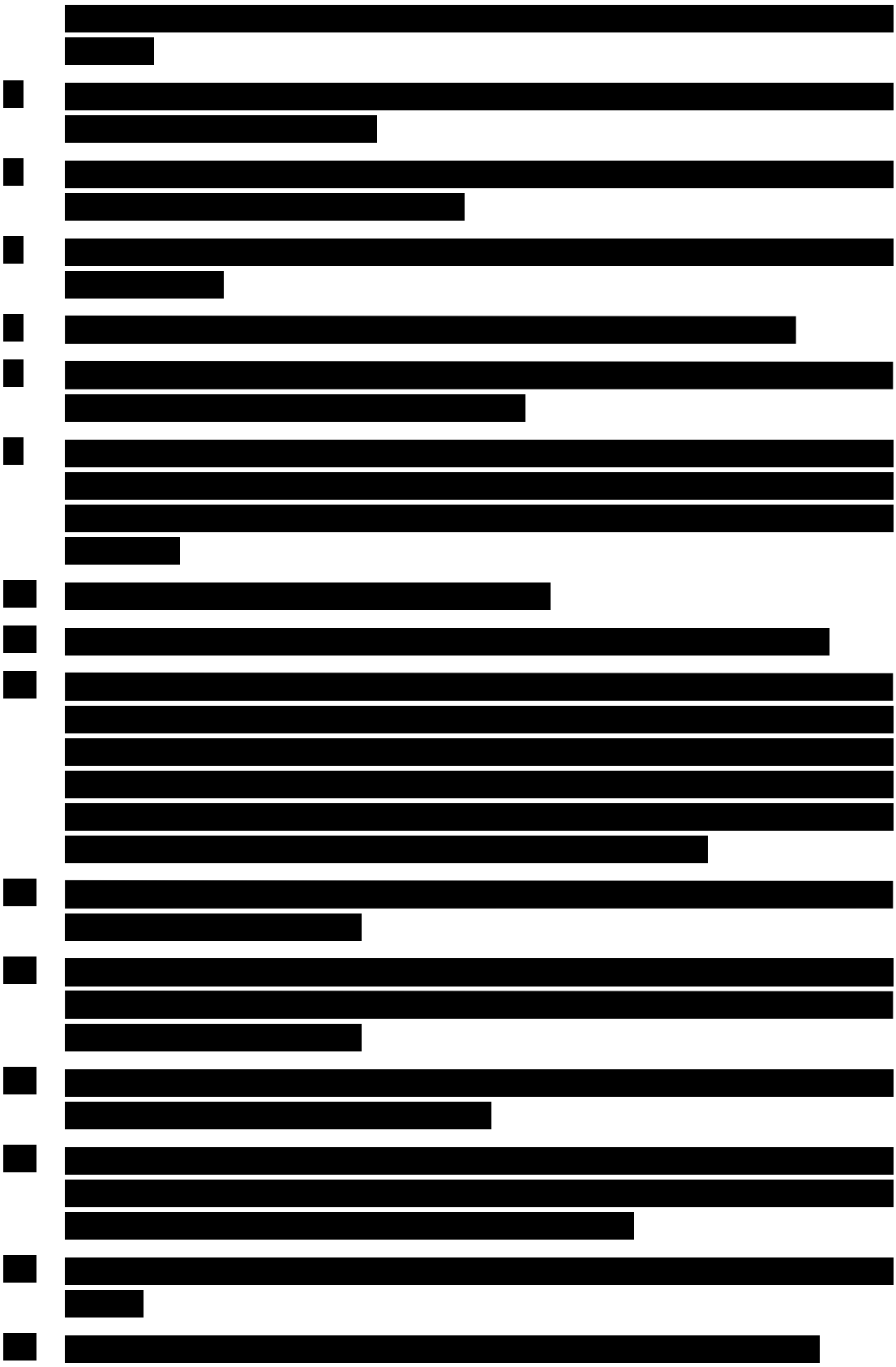

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304.8 TEAM ASSIGNMENTS

Teams will be made using members from the below listed Task Force Agencies. Normally, 2 teams will be formed.

El Dorado County Sheriff's Office

El Dorado County District Attorney's Office

Placerville Police Department

South Lake Tahoe Police Department

California Highway Patrol (When applicable)

Team 1 responsibilities will include monitoring the walk-through and witnessing the involved officer interviews. Normally, assignments for additional follow up will be made using personnel from Team 1.

Team 2 responsibilities will include assisting with crime scene and area canvass. Note: Every effort should be made to include a District Attorney's Investigator assigned to Team 1, and Team 2.

If necessary, additional teams may be organized at the discretion of the venue agency.

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Deadly Force Review

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

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

305.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

305.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Sheriff may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Support Services Division Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Support Services Division Commander of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

305.4.1 COMPOSITION OF THE BOARD

The Support Services Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Sergeant

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- Non-administrative supervisor
- A peer deputy
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

305.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303). Other members may provide questions to these members.

The review shall be based upon those facts which were reasonably believed or known by the deputy at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the deputy at the time shall neither justify nor call into question a deputy's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.

(b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff.

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Deadly Force Review

The Sheriff shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Sheriff's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Sheriff.

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Deputy Response to Calls

306.1 PURPOSE AND SCOPE

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

306.2 RESPONSE TO CALLS

Deputies responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

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

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

306.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

306.3.1 NUMBER OF UNITS ASSIGNED

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

306.4 INITIATING CODE 3 RESPONSE

If a deputy believes a Code-3 response to any call is appropriate, the deputy shall immediately notify Central Dispatch. Generally, two units should respond Code-3 to any situation. Should another deputy believe a Code-3 response is appropriate, Central Dispatch shall be notified and the Shift Supervisor or field supervisor will make a determination as to whether two or more deputies driving Code-3 is appropriate.

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306.5 RESPONSIBILITIES OF RESPONDING DEPUTY(S)

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

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

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

306.6 COMMUNICATIONS RESPONSIBILITIES

The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance

(b) Immediately notify the Shift Supervisor

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Shift Supervisor or field supervisor

306.7 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

(c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

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

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

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

306.8 FAILURE OF EMERGENCY EQUIPMENT

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

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Domestic Violence

307.1 PURPOSE AND SCOPE

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

307.1.1 DEFINITIONS

Definitions related to this policy include:

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

307.2 POLICY

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

307.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

307.4 DISPATCH ASSISTANCE

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

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

307.5 VICTIM ASSISTANCE

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

(a) Victims should be provided with the Office's domestic violence information handout, even if the incident may not rise to the level of a crime.

(b) Victims should also be alerted to any available victim advocates, shelters, and community resources.

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(c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.

(d) If the victim has sustained injury or complaints of pain, deputies should seek medical assistance as soon as practicable.

(e) Deputies should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the deputy determines that a need exists.

(f) Deputies should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(g) If appropriate, deputies should seek or assist the victim in obtaining an emergency order if appropriate.

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

307.5.1 RECORDING INJURIES AND STATEMENTS

All visible injuries should be photographed regardless of severity, and all victims shall receive proper medical care prior to being photographed, if needed or desired. If feasible, deputies may make a video recording of the injuries and victim statements.

Victims whose injuries are not visible at the time of the incident should be advised to contact the Investigations Unit in the event the injuries later become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

307.6 DOMESTIC VIOLENCE SUPPORT

307.6.1 WRITTEN NOTICE TO VICTIMS

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

(a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.

(b) A statement that provides information about a shelter they may contact in the area.

(c) A statement that provides information about other community services they may contact in the area.

(d) A statement that "For further information about the California Victim's Compensation Program, you may contact 1-800-777-9229".

(e) A statement informing the victim of domestic violence that they can ask the District Attorney to file a criminal complaint.

(f) A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:

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1. An order restraining the attacker from abusing the victim and other family members.
2. An order directing the attacker to leave the household.
3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
4. An order awarding the victim or the other parent custody of or visitation with a minor child or children.
5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
7. An order directing the defendant to make specified debt payments coming due while the order is in effect.
8. An order directing that either or both parties participate in counseling.

(g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

(h) In the case of an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 287, 288a, or 289, a Domestic Violence Information Pamphlet which shall include, but is not limited to, the following information:

1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code § 13837, and their 24-hour counseling service telephone numbers.
2. A simple statement on the proper procedures for a victim to follow after a sexual assault.
3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.
4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

(i) A statement informing the victim that strangulation may cause internal injuries and encouraging the victim to seek medical attention.

(j) The card should also provide information relating to the rights and duties of tenants and landlords regarding lock changes, evictions and related matters that may assist victims with housing and safety concerns (Code of Civil Procedure § 1161.3, Civil Code § 1941.5 and Civil Code § 1941.6).

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307.6.2 VICTIM SUPPORT

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

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

(a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.

(b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.

(c) The investigating deputy should articulate in the report that the victim was advised of their right to a counselor and/or support person.

307.7 FOREIGN COURT ORDERS

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

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

307.8 VERIFICATION OF COURT ORDERS

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

(a) Ask the subject of the order about their notice or receipt of the order, their knowledge of its terms and efforts to respond to the order.

1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the deputy shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

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(b) Check available records or databases that may show the status or conditions of the order.

1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

307.9 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

(c) Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)

2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)

3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party

4. Penal Code § 646.9 (stalking)

5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, deputies should generally be reluctant to make dual arrests. Deputies

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shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, a deputy shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

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

307.10 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting deputies should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Deputies who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

307.11 RECORD-KEEPING AND DATA COLLECTION

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

307.12 SERVICE OF COURT ORDERS

(a) A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the

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person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by a deputy who is present at the scene of a reported domestic violence incident or when the deputy receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).

(c) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

1. A deputy should ensure that the Records Unit is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Unit Policy for additional guidance).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

307.13 NON-RETURN OF FIREARMS

Once a deputy has referred a report indicating the reasonable cause to not return the firearm or other dangerous weapon, the detective shall forward the information to the Investigations Sergeant for an authorization to petition the superior court.

Once the authorization has been received, the detective will contact the district attorney to begin the hearing process.

The detective will then generate the notice to the owner or person who had lawful possession of the firearm or other dangerous weapon. The notice will be sent registered mail, return receipt requested.

307.14 PUBLIC ACCESS TO POLICY

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

307.15 DECLARATION IN SUPPORT OF BAIL INCREASE

Any deputy who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether

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reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the deputy shall prepare a declaration in support of increased bail (Penal Code § 1269c).

307.16 DOMESTIC VIOLENCE DEATH REVIEW TEAM

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

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Search and Seizure

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

In accordance with the Training Policy, the office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

308.3 SEARCHES

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

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

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

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

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

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

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308.4 SEARCH PROTOCOL

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

(a) Members of this office will strive to conduct searches with dignity and courtesy.

(b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:

1. Another deputy or a supervisor should witness the search.
2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

308.5 DOCUMENTATION

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

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

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

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Conducted Energy Device

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

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

309.3 ISSUANCE AND CARRYING CEDS

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

The Support Services Sergeant in charge of equipment should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

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

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

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

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

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) For single-shot devices, whenever practicable, members should carry an additional cartridge on their person when carrying the CED.

(c) Members should not hold a firearm and the CED at the same time.

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

309.3.1 USER RESPONSIBILITIES

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

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Support Services Sergeant in charge of equipment for disposition. Members shall submit documentation stating the reason for the return and how the CED or cartridge/ magazine was damaged or became inoperative, if known.

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309.4 USE OF THE CED

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

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

309.4.1 APPLICATION OF THE CED

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

- [redacted]
- [redacted]

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

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

309.4.2 TARGETING CONSIDERATIONS

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

309.4.3 MULTIPLE APPLICATIONS OF THE CED

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

- [redacted]
- [redacted]
- [redacted]
- [redacted]

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

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

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

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

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

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another member

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and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

309.7 MAINTENANCE AND RECORDING

(a) Supervisors shall ensure that printouts of CED downloads are maintained in their respective divisions.

309.8 SUPERVISOR RESPONSIBILITIES

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

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

309.9 TRAINING

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

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

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

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

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

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

The Training Sergeant should include the following training:

(a) A review of this policy.

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(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.

(e) Scenario-based training, including virtual reality training when available.

(f) Handcuffing a subject during the application of the CED and transitioning to other force options.

(g) De-escalation techniques.

(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

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Temporary Custody of Juveniles

310.1 PURPOSE AND SCOPE

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

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

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

310.2 POLICY

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

310.3 JUVENILES WHO SHOULD NOT BE HELD

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

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated except when approved by the Shift Supervisor. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

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

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

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

310.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

310.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

310.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the El Dorado County Sheriff's Office without authorization of the arresting deputy's supervisor or the Shift Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the El Dorado County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1).

310.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the El Dorado County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

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310.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

310.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

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

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the Office.

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

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

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

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310.5 ADVISEMENTS

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

Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

310.6 JUVENILE CUSTODY LOGS

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

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the El Dorado County Sheriff's Office (15 CCR 1150).

(c) Shift Supervisor notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all safety checks.

(g) Any medical and other screening requested and completed (15 CCR 1142).

(h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

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310.7 NO-CONTACT REQUIREMENTS

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

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

310.8 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the El Dorado County Sheriff's Office more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the El Dorado County Sheriff's Office more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

    1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

    2. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).

(g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

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(k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(l) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(n) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(p) Juveniles shall have access to language services (15 CCR 1143).

(q) Juveniles shall have access to disability services (15 CCR 1143).

(r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

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

310.9 USE OF RESTRAINT DEVICES

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

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

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

310.10 PERSONAL PROPERTY

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

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

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310.11 SECURE CUSTODY

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

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

(a) Age, maturity, and delinquent history

(b) Severity of offense for which the juvenile was taken into custody

(c) The juvenile offender's behavior

(d) Availability of staff to provide adequate supervision or protection of the juvenile offender

(e) Age, type, and number of other individuals in custody at the facility

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

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

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

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

310.11.1 LOCKED ENCLOSURES

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to Office members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

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(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

310.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Shift Supervisor will initiate procedures to address the suicide attempt, death, or serious injury of any juvenile held at the El Dorado County Sheriff's Office (15 CCR 1142; 15 CCR 1047). The procedures will include:

(a) Immediate notification of the on-duty supervisor, Sheriff, Undersheriff, Division Commander and the Investigations Lieutenant/Manager per critical incident protocol.

(b) Initiation of Critical Incident Protocol (Refer to the Officer-Involved Critical Incident Protocol policy).

(c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(d) Notification of the appropriate prosecutor.

(e) Notification of the County attorney.

(f) Notification to the coroner.

(g) Notification of the juvenile court.

(h) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(i) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(j) Evidence preservation.

310.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, a deputy shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone,

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or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

310.13.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a Office facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

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

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

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

310.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor, or in the supervisor's absence, the Shift Supervisor.

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Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Shift Supervisor or the Investigations Unit supervisor, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

310.15 RELEASE OF INFORMATION CONCERNING JUVENILES

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

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the El Dorado County Sheriff's Office Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

310.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

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

310.17 RELIGIOUS ACCOMMODATION

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

310.18 TRAINING

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

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Child Abuse

311.1 PURPOSE AND SCOPE

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

311.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

311.2 POLICY

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

311.3 MANDATORY NOTIFICATION

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

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this Office. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

311.3.1 NOTIFICATION PROCEDURE

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

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

(b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

311.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

311.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- [redacted]
- [redacted]

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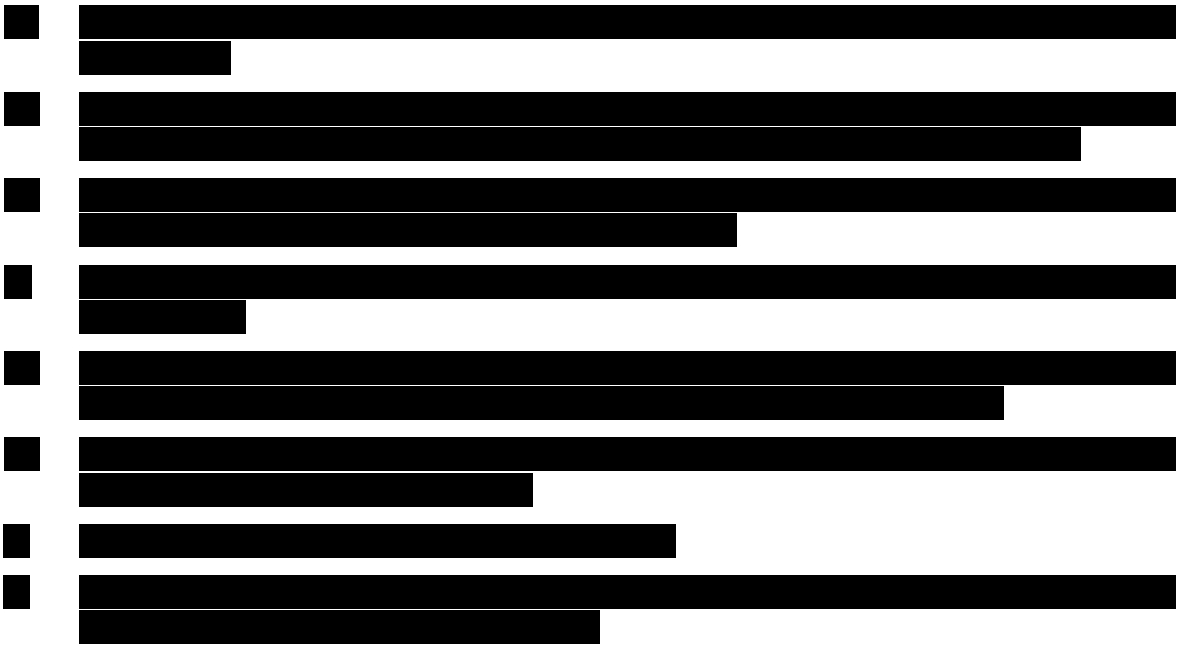

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

311.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, Office members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code § 11165.9).

311.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

(a) Name and telephone number

(b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

311.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible

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adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this Office should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

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

311.7 INTERVIEWS

311.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

311.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

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

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

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

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

311.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

311.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Investigations Unit supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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

311.9.2 DEPUTY RESPONSIBILITIES

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

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Unit supervisor so an interagency response can begin.

311.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

311.10.1 RELEASE OF REPORTS

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

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

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that their name be

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removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

311.10.3 CACI HEARING OFFICER

The Investigations Unit supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person’s name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

311.10.4 CACI HEARING PROCEDURES

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

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

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

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

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

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

311.10.5 CHILD DEATH REVIEW TEAM

This Office should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

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311.11 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Firearms

312.1 PURPOSE AND SCOPE

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

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

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

312.2 POLICY

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

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

312.3.1 HANDGUNS

The primary authorized standard issued duty handgun is the Glock. The following handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Glock	22	.40
Glock	23	.40
Glock	21	.45
Glock	27	.40
Glock	17	9mm
Glock	19	9mm
Glock	19x	9mm
Glock	43x	9mm

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Glock	45	9mm
Glock	48	9mm

(a) The Office will issue only one primary handgun to each member. The make, model, and caliber of the standard issue handgun is the Glock, Model 22,.40 caliber. Other primary authorized Glock handgun models may be issued at the discretion of the sheriff or the authorized designee. Other make, model, and caliber handguns may be issued by the Office and carried by members with the approval of the Sheriff or the authorized designee.

1. A copy of the approval and firearm information shall be retained by the office Rangemaster/Armorer.
2. Only detectives and office administrative personnel who are assigned plain clothes assignments are authorized to carry subcompact handguns to include the Glock 27, Glock 43x, and Glock 48.

(b) Personally owned handguns may only be carried if all of the following are met:

1. The make, model and caliber is approved by policy or the handgun is approved by the Sheriff or designee.
   (a) A copy of the approval and the firearm information shall be retained by the office Rangemaster/Armorer.
2. The handgun has been inspected by an office approved armorer.
3. The member has qualified with the handgun on an office approved range prior to it being carried.
4. Primary duty handguns shall use ammunition issued by the office.

(c) Members shall not carry or use a duty handgun until they have successfully completed an office approved introduction to handgun course and passed an office approved handgun qualification.

(d) Duty-ready handguns shall be:

1. Maintained in clean and operational condition.
   (a) Assigned deputies are responsible to maintain cleanliness and notify office armorers if handgun maintenance/repair is needed.
2. Inspected annually by an office approved armorer.

[redacted]

(e) Handguns for Patrol use:

1. All handguns for Patrol use, whether Office issued or personally owned and approved for use, will be black in color. The Sheriff or the authorized designee may issue, or approve the use of, non black handguns to specialty units or to meet the needs of the Sheriff's Office.

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312.3.2 SHOTGUNS

The authorized office-issued shotgun for patrol operations is the Remington 870 12 gauge.

MAKE	MODEL	CALIBER
Remington	870	12-Guage

(a) Any other shotgun issued or not issued by the office must be approved by the Sheriff or the authorized designee.

1. A copy of the approval and firearm information shall be retained by the office Rangemaster/Armorer.

(b) Members shall not carry or use a patrol shotgun until they have successfully completed an office approved introduction to shotgun course and passed an office approved shotgun qualification.

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

(d) Duty-ready shotguns shall be:

1. Maintained in clean and operational condition.
   (a) Assigned deputies are responsible to maintain cleanliness and notify office armorers if shotgun maintenance/repair is needed.
2. Inspected annually by an office approved armorer.
3. Inspected daily by the assigned user, using the B.E.E.F.S. inspection method:
   (a) Barrel - check for cracks, bulges, or obstructions.
   (b) Extractor - check to ensure it is in proper working condition.
   (c) Ejector - check to ensure it is in proper working condition.
   (d) Firing pin - check to ensure it is in proper working condition.
   (e) Safety - check to ensure it is in proper working condition.
   (f) Light - check to ensure it is in proper working condition.

[redacted]

312.3.3 LESS-LETHAL SHOTGUNS

The authorized office-issued less-lethal shotgun for patrol operations is the Remington 870 12 gauge.

MAKE	MODEL	CALIBER
Remington	870	12 gauge

(a) Any other less-lethal shotgun issued or not issued by the office must be approved by the Sheriff or the authorized designee.

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1. A copy of the approval and firearm information shall be retained by the office Rangemaster/Armorer.

(b) All less-lethal shotguns will be clearly identifiable with orange stocks and fore-ends. No lethal shotgun ammunition shall be stored or used in or near the less-lethal shotgun.

(c) Members shall not carry or use a less-lethal shotgun until they have successfully completed an office approved introduction to less-lethal shotgun course and passed an office approved less-lethal shotgun qualification.

(d) When not deployed, the less-lethal shotgun shall be properly secured consistent with office training in a locking weapons rack in the patrol vehicle.

(e) Duty-ready less-lethal shotguns shall be:

1. Maintained in clean and operational condition.

(a) Assigned deputies are responsible to maintain cleanliness and notify office armorers if less-lethal shotgun maintenance/repair is needed.

2. Inspected annually by an office approved armorer.

3. Inspected daily by the assigned user, using the B.E.E.F.S. inspection method:

(a) Barrel - check for cracks, bulges, or obstructions.

(b) Extractor - check to ensure it is in proper working condition.

(c) Ejector - check to ensure it is in proper working condition.

(d) Firing pin - check to ensure it is in proper working condition.

(e) Safety - check to ensure it is in proper working condition.

(f) Light - check to ensure it is in proper working condition.

[redacted]

[redacted]

(a) Only authorized less-lethal ammunition will be used in less-lethal shotguns.

[redacted]

312.3.4 PATROL RIFLES

The authorized office-issued patrol rifle is the Colt AR-15 style rifle chambered in.223 Remington/5.56mm, semi-automatic with a detachable magazine. The following patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER
Colt (style)	AR 15	.223 Remington / 5.56mm

(a) Other make, model, and caliber rifles may be issued by the office and carried by members with the approval of the Sheriff or designee.

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1. A copy of the approval and firearm information shall be retained by the office Rangemaster/Armorer.
2. EDSO SWAT team members may be issued an Accuracy International, AT.308 caliber rifle and may be issued or operate/utilize a McMillan Tac 50,.50 caliber rifle.

(b) Personally owned rifles may only be carried if all of the following are met:

1. The make, model and caliber is approved by policy or the rifle is approval by the Sheriff or designee.
   (a) A copy of the approval and the firearm information shall be retained by the office Rangemaster/Armorer.
2. The rifle has been inspected by an office approved armorer.
3. The member has qualified with the rifle on an office approved range prior to it being carried.

(c) Members shall not carry or use a patrol rifle until they have successfully completed an office approved patrol rifle user's course and passed an office approved rifle qualification.

(d) Duty-ready rifles shall be:

1. Maintained in clean and operational condition.
   (a) Assigned deputies are responsible to maintain cleanliness and notify office armorers if rifle maintenance/repair is needed.
2. Inspected annually by an office approved armorer.

[redacted]

4. The bolt is forward.
5. The dust cover is closed.

[redacted]

[redacted]

[redacted]

[redacted]

(c) Only office-issued rifle ammunition is authorized to be used.

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

[redacted]

[redacted]

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(f) When not deployed, the patrol rifle shall be properly secured consistent with office training in a locking weapons rack, box or system in the office vehicle.

312.3.5 PERSONALLY OWNED DUTY FIREARMS

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

(a) The firearm shall be in good working order and an approved firearm by the Sheriff or the authorize designee.

(b) The firearm shall be inspected by an office armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary (minimally annually).

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster/Armorer, who will maintain a list of the information.

312.3.6 AUTHORIZED SECONDARY HANDGUN

Secondary handguns are handguns carried in addition to the primary duty handgun, as a backup handgun.

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

(a) The handgun shall be in good working order and an approved firearm by the Sheriff or the authorize designee.

(b) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the office.

(d) The handgun shall be inspected by an office armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

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(e) Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.

(f) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(g) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster/Armorer, who will maintain a list of the information.

312.3.7 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by sworn deputies while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn Deputies who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

(a) The weapon shall be of good quality and workmanship (e.g., Glock, Colt, Smith & Wesson, Sig-Sauer, etc.).

(b) The purchase of the weapon and ammunition shall be the responsibility of the deputy.

(c) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.

(d) Ammunition should be of good quality.

(e) When armed, whether on- or off-duty, deputies shall carry their badge and department identification.

312.3.8 AMMUNITION

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

Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above policy, at their own expense. All ammunition carried on duty shall be shall be commercially manufactured ammunition of good quality. No reloaded ammunition may be carried on duty.

312.4 EQUIPMENT

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

312.4.1 REPAIRS OR MODIFICATIONS

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

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Firearms that are the property of the office shall only be repaired or modified by a Sheriff's Office armorer.

Personally owned firearms that are approved for office use may only be repaired or modified by a certified armorer or gunsmith, certified in the repair of the specific firearm. Any repairs or modifications to the member's personally owned firearm shall be done at their expense and must be approved by the Rangemaster/Armorer.

The following criteria must be met when any office owned firearm, or personally owned firearm approved for office use, is modified (accessories/parts added, removed, exchanged or altered):

(a) The firearm must be inspected and tested with live ammunition for serviceability by an office armorer or office range staff.

(b) The member must qualify with the weapon following the modification, before it is carried on duty.

312.4.2 HOLSTERS

Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

312.4.3 TACTICAL LIGHTS

Tactical lights shall only be installed in strict accordance with manufacturer specifications. Tactical lights must be approved by the EDSO armorer and examined by an office armorer or office range staff member. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

312.4.4 MODIFIED GRIPS

Modified grips shall only be installed in strict accordance with manufacturer specifications. Modified grips must be approved by the EDSO armorer and examined by an office armorer or office range staff member. Once the approved modified grips have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

312.4.5 OPTICS, LASER SIGHTS, OR MODIFIED SIGHTING SYSTEMS

Any approved optics, laser sights, or sighting systems shall only be installed in strict accordance with manufacturer specifications. Optics, laser sights, or modified sighting systems must be approved by the EDSO armorer and may only be installed by an office armorer or office range staff member. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

(a) [redacted]

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Except in an approved training situation, a member may only sight in on a target and/or activate a laser sight when the member would otherwise be justified in pointing a firearm at an individual or other authorized target.

312.5 SAFE HANDLING, INSPECTION AND STORAGE

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

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the range staff. Members shall not dry fire or practice quick draws except as instructed by the range staff.

(c) Members shall not load or unload a firearm anywhere inside the office, except where clearing barrels are present. Firearms loading and unloading outside at the office is to be performed in the rear EDSO parking lot, either at a clearing barrel or with the muzzle pointed in a safe direction, and performed out of public sight.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.

(e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked.

(f) No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(g) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(h) Any firearm authorized by the office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to an office armorer for inspection and repair. Any firearm deemed in need of repair or service by an office armorer will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.5.1 INSPECTION AND STORAGE

Issued handguns and rifles shall be inspected regularly by the member they are issued to. Shotguns and less lethal shotguns shall be inspected at the beginning of the shift by the member to whom the weapon is issued. Members shall ensure that all firearms are carried in the proper condition and loaded with approved ammunition. Inspection of the shotguns and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms and firearms issued to members may be safely stored in lockers at the end of the shift. Office-owned firearms issued to office vehicles shall be stored in the appropriate

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equipment storage room when not properly secured in office vehicles. Stored handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate office storage location.

312.5.2 STORAGE AT HOME

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

312.5.3 STORAGE IN VEHICLES

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

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

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

312.5.4 ALCOHOL AND DRUGS

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

312.6 FIREARMS TRAINING AND QUALIFICATIONS

(a) All members who carry a primary duty handgun while on-duty are required to qualify quarterly with their duty firearm on an approved range course. In unique situations where members have multiple primary duty handguns, this applies to all primary duty firearms carried for on-duty use.

1. Members who carry/utilize two primary duty handguns are required to qualify quarterly with both primary duty handguns.
2. The Rangemaster/Armorer shall keep accurate records of quarterly qualifications, firearms training, repairs, maintenance and as directed by the Training Sergeant.
3. In addition to regular qualification schedules, the Rangemaster/Armorer shall be responsible for providing all members who carry a firearm with annual practical training designed to simulate field situations.

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4. At least annually, all members who carry a firearm will receive training on the office Use of Force policy and demonstrate their knowledge and understanding.

(b) All members who carry an authorized secondary handgun(s) are required to qualify annually with this handgun(s) on an approved range course.

(c) All members who carry an authorized Patrol Rifle are required to qualify semiannually with the rifle on an approved range course.

1. SWAT team members who carry their SWAT issued rifles in lieu of a patrol rifle, and who qualify on an approved range course during SWAT training at least semiannually have satisfied this requirement. The semiannual qualification records must be provided to the Rangemaster/Armorer to document the completed qualification.

(d) All members whose duty assignment requires them to carry an authorized office shotgun are required to qualify semiannually with an office shotgun on an approved range course.

(e) All members who are trained and currently qualified to carry an office less lethal shotgun are required to re-certify and qualify annually with an office less lethal shotgun on an approved range course.

(f) At least annually, all members who carry a firearm while on-duty should receive practical training designed to simulate field situations including low-light shooting.

312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

1. Unauthorized range make-up.

2. Failure to meet minimum standards or qualify after remedial training.

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

312.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to their supervisor as soon as

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with their Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

312.7.1 DESTRUCTION OF ANIMALS

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

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

312.7.2 INJURED ANIMALS

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

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

312.7.3 WARNING AND OTHER SHOTS

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

Warning shots should not be used.

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312.8 RANGEMASTER/ARMORER DUTIES

The range will be under the exclusive control of the Rangemaster/Armorer. All members attending will follow the directions of the range staff. The Rangemaster/Armorer will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the range staff may result in non-qualification.

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

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

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

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

312.9 FLYING WHILE ARMED

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

(a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the office based on the law and published TSA rules.

(b) Deputies must carry their El Dorado County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The El Dorado County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the El Dorado County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.

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(d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail their itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.

(f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of their assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on their person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.10 CARRYING FIREARMS OUT OF STATE

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

(a) The deputy shall carry their El Dorado County Sheriff's Office identification card whenever carrying such firearm.

(b) The deputy is not the subject of any current disciplinary action.

(c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The deputy will remain subject to this and all other office policies (including qualifying and training).

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

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

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Missing Persons

313.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

313.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

Missing person networks - Databases or computer networks that are available to law enforcement and that are suitable for obtaining information related to missing persons investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the California Law Enforcement Telecommunications System (CLETS), the Missing Person System (MPS), and the Unidentified Persons System (UPS).

313.2 POLICY

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

313.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

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

- Office report form for use in missing person cases

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- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

313.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

313.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

[redacted]

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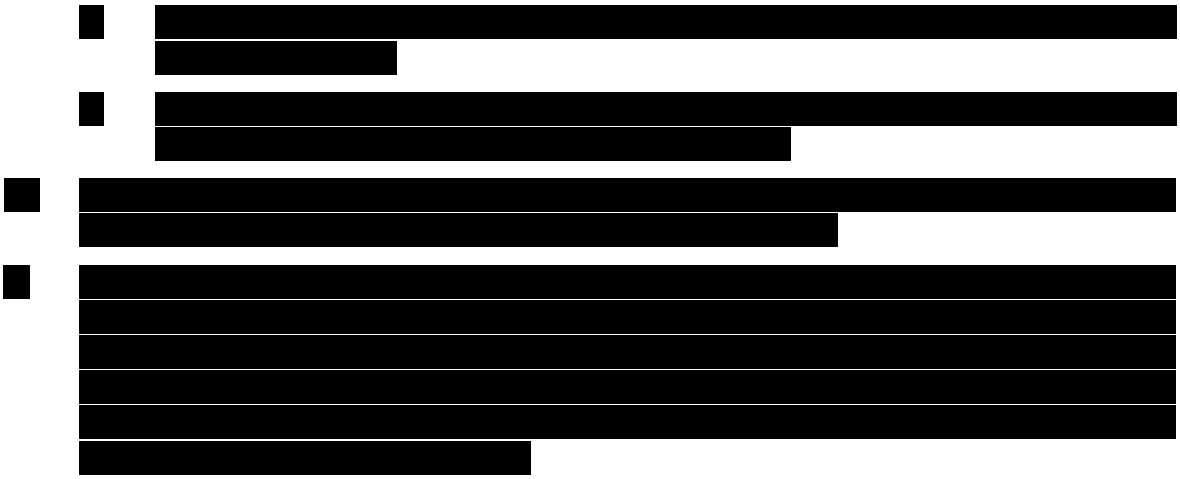

313.6 REPORT PROCEDURES AND ROUTING

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

313.6.1 SUPERVISOR RESPONSIBILITIES

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

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Unit.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

313.6.2 RECORDS UNIT RESPONSIBILITIES

The responsibilities of the receiving member shall include but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen (Penal Code § 14211).

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

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(d) Forwarding a copy of the report to the Investigations Unit.

(e) Coordinating with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

313.7 INVESTIGATIONS UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).

[redacted]

(d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

[redacted]

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

[redacted]

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

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313.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ.

(b) The missing person’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General’s Office.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

313.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.

(c) Use available resources, such as those related to missing persons, to identify the person.

313.9 CASE CLOSURE

The Investigations Unit supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person is a resident of El Dorado or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified, and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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313.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this office whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:
    1. Assessments and interviews
    2. Use of current resources, such as Mobile Audio Video (MAV)
    3. Confirming missing status and custody status of minors
    4. Evaluating the need for a heightened response
    5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of office members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Vehicle Pursuits

314.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved deputies, the public, and fleeing suspects.

314.1.1 DEFINITIONS

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

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

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

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

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

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

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

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

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit

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

314.2 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized sheriff's office emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code §

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21055. Deputies are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

314.2.1 WHEN TO INITIATE A PURSUIT

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

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

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists, and others.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.

(d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.

(e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(h) Emergency lighting and siren limitations on unmarked sheriff's office vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.

(i) Suspect and deputy vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).

(k) Availability of other resources such as air support or vehicle locator or deactivation technology.

314.2.2 WHEN TO TERMINATE A PURSUIT

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

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

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

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) The pursued vehicle’s location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle’s emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the deputies, or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

314.2.3 SPEED LIMITS

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the deputy.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.3 PURSUIT UNITS

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

[redacted]

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

314.3.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

314.3.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless the deputy is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

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

[redacted]

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

314.3.3 SECONDARY UNIT RESPONSIBILITIES

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

[redacted]

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314.3.4 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for units involved in the pursuit:

(a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.

(c) As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from available air support.
2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Request other units to observe exits available to the suspects.

(d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

314.3.5 PURSUIT TRAILING

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

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314.3.6 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

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

314.3.7 UNITS NOT INVOLVED IN THE PURSUIT

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

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

314.4 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

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

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring that the Shift Supervisor is notified of the pursuit as soon as practicable.

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(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this Office.

(j) Controlling and managing El Dorado County Sheriff's Office units when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit review and documentation of the pursuit.

1. Supervisors should initiate follow up or additional review when appropriate.

314.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

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

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

314.5 CENTRAL DISPATCH

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

314.5.1 CENTRAL DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved units and personnel.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notify the Shift Supervisor as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

314.5.2 LOSS OF PURSUED VEHICLE

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

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314.6 INTER-JURISDICTIONAL CONSIDERATIONS

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

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Deputies will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the El Dorado County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

(a) The public's safety within this jurisdiction.

(b) The safety of the pursuing deputies.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

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

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

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

314.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, a deputy shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, deputies/ supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the deputies, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

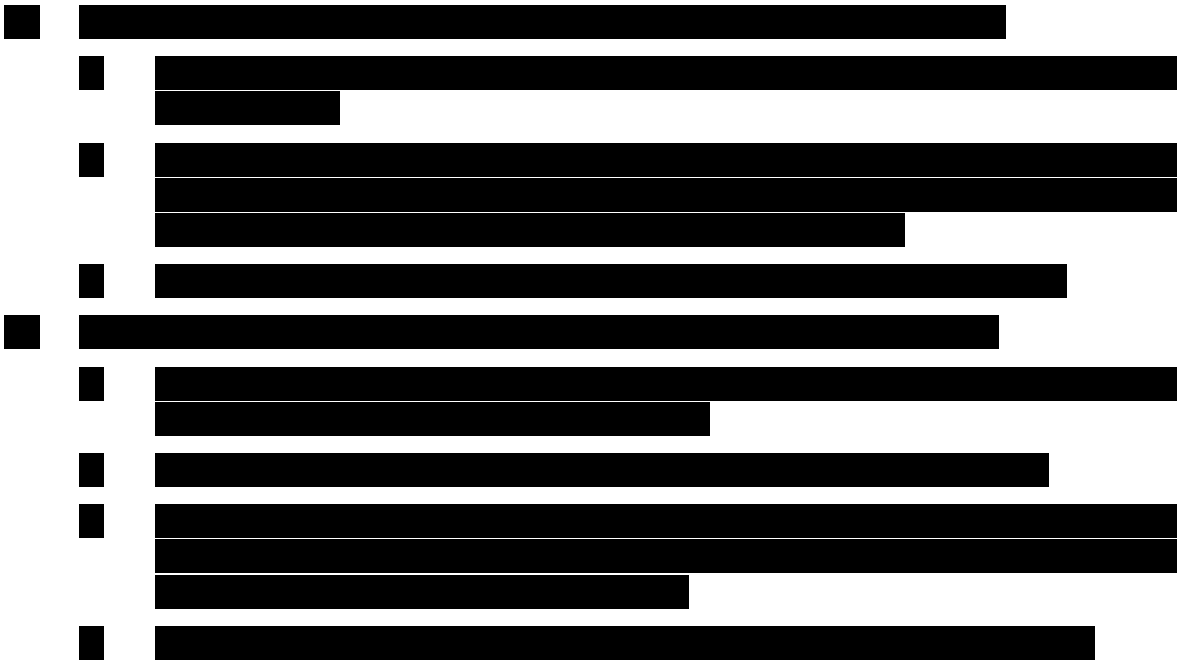
314.7.1 USE OF FIREARMS

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

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

314.7.2 INTERVENTION STANDARDS

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



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314.7.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing deputy should coordinate efforts to apprehend the suspects following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans for setting up perimeters or for containing and capturing the suspects.

314.8 REPORTING REQUIREMENTS

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

(a) The primary deputy should complete appropriate crime/arrest reports.

(b) The Shift Supervisor shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary deputy should complete as much of the required information on the form as is known and forward the report to the Shift Supervisor for review and distribution.

(c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Sheriff or the authorized designee. This log or memorandum should include, at a minimum:

1. Date and time of pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved units and deputies.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
7. Any use of force that occurred during the vehicle pursuit.

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(a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).

8. Any injuries and/or medical treatment.

9. Any property or equipment damage.

10. Name of supervisor at scene or who handled the incident.

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

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

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

(a) This policy.

(b) The importance of vehicle safety and protecting the public.

(c) The need to balance the known offense and the need for immediate capture against the risks to deputies and others.

314.8.2 POLICY REVIEW

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

314.9 APPLICATION OF VEHICLE PURSUIT POLICY

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

314.10 POLICY

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

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Public Alerts

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

315.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

315.3 RESPONSIBILITIES

315.3.1 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

315.3.2 OFFICE OF EMERGENCY SERVICES RESPONSIBILITIES

Open and staff the Emergency Operations Center.

(a) Activate and staff the phone bank.

(b) Support field staff with logistic support.

315.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

315.4.1 CRITERIA FOR AMBER ALERT

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

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(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

315.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to Central Dispatch so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

315.5 BLUE ALERTS

Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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315.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

315.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle
2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to Central Dispatch so that general broadcasts can be made to local law enforcement agencies.

(d) The following resources should be considered as circumstances dictate:

1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

315.6 FEATHER ALERT

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

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315.6.1 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

(a) The missing person is an indigenous person.

(b) The Office has utilized local and tribal resources.

(c) The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.

(d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

315.6.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

315.7 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

315.7.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

(a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.

(b) The Office has utilized all available local resources.

(c) The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.

(d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

315.7.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

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315.8 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

315.8.1 CRITERIA FOR EBONY ALERT

The investigating deputy may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

(a) The missing person is between the ages of 12 and 25 years old, inclusive.

(b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.

(c) The missing person suffers from a mental or physical disability.

(d) Determination that the person has gone missing under unexplained or suspicious circumstances.

(e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(f) The Office has utilized all available local resources.

(g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

315.8.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

315.9 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

315.9.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The Office has utilized all available local resources.

(c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that

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the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

315.9.2 PROCEDURE FOR SILVER ALERT
Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

315.10 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the Office has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

315.10.1 CRITERIA FOR YELLOW ALERT
All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

(a) A person has been killed due to a hit-and-run incident.

(b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.

(c) The Office has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:

1. The complete license plate number of the suspect's vehicle.
2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
3. The identity of a suspect.
4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

315.10.2 PROCEDURE FOR YELLOW ALERT
Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

315.11 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

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315.11.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

(a) Evacuation orders (including evacuation routes, shelter information, key information).

(b) Shelter-in-place guidance due to severe weather.

(c) Terrorist threats.

(d) HazMat incidents.

315.11.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

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Victim and Witness Assistance

316.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

316.2 POLICY

The El Dorado County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the El Dorado County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

316.3 CRIME VICTIM LIAISON

The Sheriff shall appoint a member of the Office to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the El Dorado County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

316.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

(a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).

(b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

(c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.

(d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).

(e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the El Dorado County Sheriff's Office jurisdiction (Penal Code § 680.2).

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(f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.

1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

(g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Office, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

316.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct them to the proper written Office material or available victim resources.

316.4.1 VICTIMS OF HUMAN TRAFFICKING

Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and their immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

316.5 VICTIM INFORMATION

The Support Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

(d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

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(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U visa and T visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the deputy’s name, badge number, and any applicable case or incident number.

(l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

316.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

317.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the El Dorado County Sheriff's Office may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

317.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression -Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability

(b) Gender

(c) Nationality

(d) Race or ethnicity

(e) Religion

(f) Sexual orientation

(g) Association with a person or group with one or more of these actual or perceived characteristics:

1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, deputies should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office

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

317.2 POLICY

It is the policy of this Office to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This Office will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this Office should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All deputies are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or other command-level officer to whom the Sheriff formally delegates this responsibility.

317.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, Office members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Office personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

317.3.1 HATE CRIMES COORDINATOR

A Office member appointed by the Sheriff or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

(a) Meeting with residents in target communities to allay fears; emphasizing the Office's concern over hate crimes and related incidents; reducing the potential for counter-

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violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.

(i) Coordinating with the Training Sergeant to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to deputies in the field and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Records Unit for mandated reporting to the Department of Justice.

1. Ensure the California Department of Justice crime data is posted monthly on the Office website (Penal Code § 13023).

(l) Reporting any suspected multi-mission extremist crimes to the Office Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Unit Policy.

(m) Maintaining the Office's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

(n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).

(o) Annually assessing this policy, including:

1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.

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2. Analysis of the Office's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

317.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.

(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the Office spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Office should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

317.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

317.4.1 INITIAL RESPONSE

First responding deputies should know the role of all Office personnel as they relate to the Office's investigation of hate crimes and/or incidents. Responding deputies should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, deputies should take preliminary actions reasonably deemed necessary, including but not limited to the following:

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(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.

1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Office personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.

(g) Identify criminal evidence on the victim.

(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. The offer of victim confidentiality per Government Code § 7923.615.
4. Prior occurrences in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

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

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(l) Provide the Office's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(n) Document any suspected multi-mission extremist crimes.

317.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. Offer of victim confidentiality per Government Code § 7923.615.
4. Prior occurrences, in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. Document the victim's protected characteristics.

(h) Provide victim assistance and follow-up.

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(i) Canvass the area for additional witnesses.

(j) Examine suspect's social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with Office, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Office.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
2. Provide ongoing information to victims about the status of the criminal investigation.
3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).

(o) Document any suspected multi-mission extremist crimes.

(p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

317.4.3 SUPERVISION

The supervisor shall confer with the initial responding deputy and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

(a) Provide immediate assistance to the crime victim by:

1. Expressing the Office's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
2. Expressing the Office's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a Office chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

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(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning a deputy to specific locations that could become targets).

(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

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

317.5 TRAINING

All members of this Office will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.

(b) Accurate reporting by deputies, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

317.6 APPENDIX

See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

Supplemental Hate Crime Report.pdf

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Canines

318.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment El Dorado County Sheriff's Office services. Within the Operations Division, this includes but is not not limited to locating individuals and contraband and apprehending criminal offenders. Within the Custody Division, this includes but is not limited to detecting and locating contraband in and around the correctional facilities.

318.2 POLICY

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

318.3 ASSIGNMENT

The canine unit will consist of all canine handler teams within the Sheriff's Office. The canine unit will operate under the direction of the operations division commander. The operations division commander will designate a lieutenant to manage the canine unit in consultation with the custody division commander.

A sergeant will be assigned to supervise the canine unit under the direction of the managing lieutenant. The canine unit supervisor may designate a correctional liaison, team leader, or team coordinators. Those positions will not receive additional compensation for that responsibility beyond that which is required by respective MOU(s).

Canine teams are typically assigned to a shift and are generally supervised by the on-duty supervisor. The canine team, as their duties specifically relate to canine issues, will be under the direction of the canine unit supervisor.

Canine teams assigned to assist and supplement the Operations Division should function primarily in cover assignments. They may be assigned by the Shift Supervisor to other functions, such as routine calls for service, based on the current operational needs.

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

318.4 CANINE COORDINATOR

The canine unit supervisor will be the canine coordinator.

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

(a) Reviewing all canine use related reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel / canine training provider.

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(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

(i) Monitoring ongoing canine handler performance to ensure it is within policy and maintained at or above recommended performance and certification standards from POST and CNCA.

318.4.1 ASSIGNMENT OF PERSONNEL

Assignment to the canine unit is at the discretion of the Sheriff. A canine handler may be removed from the canine unit at any time if their work performance falls below minimum standards.

(a) Once the canine is retired, the canine handler must request, through chain of command, approval to transition to another canine partner. The Sheriff and Division Commander have the discretion to allow the handler to remain in the canine unit and train another canine.

(b) In the event a handler is promoted, they must relinquish the canine program assignment, due to the daily requirements of the front line supervisor. Promotion to sergeant does not preclude assignment as the canine unit supervisor. Sworn canine handlers transferred to a position outside patrol must relinquish the canine handler position.

318.5 REQUESTS FOR CANINE TEAMS

Office Division members are encouraged to request the use of a canine when it is appropriate. Requests for a canine team from units outside of the Operations Division shall be reviewed by the Shift Supervisor.

318.5.1 OUTSIDE AGENCY REQUEST

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

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that they deem unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

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(e) It shall be the responsibility of the canine handler to complete all necessary reports, or as directed.

318.5.2 PUBLIC DEMONSTRATION

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

318.6 APPREHENSION GUIDELINES

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

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

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

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

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

318.6.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

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(d) The suspect's known or perceived age.

(e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other deputies at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

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

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

318.6.2 WARNINGS AND ANNOUNCEMENTS

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

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

318.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

Any unintended bite or injury caused by a non-deployed canine, whether on- or off-duty, shall be promptly reported to the canine coordinator and the on-duty supervisor. Unintended bites or injuries caused by a non-deployed canine should be documented in an administrative report.

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

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

318.7 NON-APPREHENSION GUIDELINES

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

(a) Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make themselves known.

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

318.7.1 ARTICLE DETECTION

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

318.7.2 NARCOTICS DETECTION

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

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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(d) The search of areas inside and around the Sheriff's Office correctional facilities.

318.7.3 BOMB/EXPLOSIVE DETECTION

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

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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

318.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) A deputy or correctional officer who is currently off probation.

(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the El Dorado County limits.

(e) Agreeing to be assigned to the position for a minimum of three years.

318.9 HANDLER RESPONSIBILITIES

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

The canine handler will also be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all equipment under their control in a clean and serviceable condition.

(c) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored in a secured location.

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(d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(f) When off-duty, the canine shall be in a kennel at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Supervisor.

(i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Supervisor.

(j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily board the canine. All boarding shall be done with persons properly trained to care for and maintain law enforcement service canines. Any boarding related expenses are the responsibility of the canine handler.

318.9.1 CANINE IN PUBLIC AREAS

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

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

318.10 CANINE INJURY AND MEDICAL CARE

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

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian.

318.11 TRAINING

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

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

The canine coordinator shall be responsible for scheduling periodic training for all Office members in order to familiarize them with how to conduct themselves in the presence of Office canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available the canine coordinator should also schedule periodic training for the canine handlers about the associated risks and treatment for exposure.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Supervisor.

318.11.1 CONTINUED TRAINING

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

(a) Canine teams should receive training as defined in the current contract with the El Dorado County Sheriff's Office canine training provider.

(b) All canines, regardless of assignment, shall meet the POST recommended 16 hours of training per month with the Sheriff's Office canine trainer. When necessary, training done on an individual basis will count toward the required 16 hours and shall be monitored by the canine coordinator.

(c) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(d) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the El Dorado County Sheriff's Office.

(e) All continued canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or shift sergeant.

318.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

318.11.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file. A duplication of the training records will be maintained by the canine coordinator. All canine training records will be presented to management upon request.

318.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes

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must comply with federal and state requirements. Alternatively, the El Dorado County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

318.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the El Dorado County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this Office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

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

Controlled Substance Training Aids procedures shall be strictly followed. Refer to the Controlled Substance Training Aids policy.

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

318.11.6 EXPLOSIVE TRAINING AIDS

Deputies may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss

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of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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First Responder Intranasal Naloxone

319.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and regulations governing the utilization of Naloxone by trained employees within the El Dorado County Sheriff's Office. The objective is to treat and reduce injuries and fatalities due to opioid involved overdoses when law enforcement is the first to arrive at the scene of a suspected overdose.

319.2 POLICY

El Dorado County Sheriff's Office employees may possess and administer Naloxone once they have completed office approved training as endorsed by the El Dorado County Emergency Medical Service (EDC EMS) Agency as outlined in the California Code of Regulation, Title 22, Division 9, Chapter 1.5 First Aid and CPR Standards and Training for Public Safety Personnel, including the optional skill administration of Naloxone.

Only trained employees may administer opioid overdose medication (Civil Code 1714.22; Business and Professions Code 4119.9).

319.2.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Employees who are qualified to administer opioid overdose medication, such as Naloxone, should handle, store and administer the medication consistent with their training. Employees should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Naloxone Coordinator.

Any employee who administers an opioid overdose medication should contact Central Dispatch as soon as possible and request response by EMS.

319.2.2 OPIOID OVERDOSE MEDICATION REPORTING

Any employee administering opioid overdose medication should detail its use in an appropriate report.

The Naloxone Coordinator will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

319.3 DEFINITIONS

A. Opioid: A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity of the central nervous system; these will reduce pain, induce sleep, and in overdose, will cause people to stop breathing. First responders often encounter opiates, in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin, Percocet) and hydrocodone (Vicodin).

B. Naloxone**:** A prescription medication that can be used to reverse the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the

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central nervous system and respiratory system. It is marked under various trademarks, including Narcan.

319.4 TRAINING

A. Training:

1. Authorized El Dorado County Sheriff's Office employees will receive initial training that will include: an overview of California Civil Code 1714.22 which permits law enforcement administration of Naloxone, patient assessment (e.g., signs/symptoms of overdose), universal precautions, rescue breathing, seeking medical attention, and the use of intra-nasal Naloxone. Training should be coordinated with EDC EMS and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code 1714.22).

2. The El Dorado County Sheriff's Office will ensure the employees carrying or having access to Naloxone are trained in its use. Refresher training should occur a minimum of every two years and consist of familiarity with the assembly of the Overdose Rescue Kit, practical application and the effective administration and maintenance of Naloxone.

B. Training Records:

1. The El Dorado County Sheriff's Office Support Services Division will be responsible for maintaining training records for the Naloxone administration program.

2. The El Dorado County Sheriff's Office will identify an individual to be the coordinator for the Naloxone administration program. Responsibilities will include:

a. Assuring the supply, integrity and expiration dates of the Overdose Rescue Kits.

b. Assuring the maintenance of the administration records. (Business and Professions Code § 4119.9)

3. Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and a minimum of three (3) years from the date the records were created (Business and Professions Code § 4119.9 (b)).

319.5 PROCEDURES

A. Deployment: The El Dorado County Sheriff's Office will deploy its Naloxone kits in office vehicles and assigned to units where its use can be reasonably anticipated. Additionally, Naloxone kits will be stored in the following locations:

1. One in each patrol car and K-9 unit.

2. One in each supervisor vehicle.

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3. One in each detective, WENET, HOT, PERT and CIT vehicle.

4. In the EDSO Property/Evidence Section.

5. In the EDSO mail room.

6. In the EDSO Jail booking areas and control towers.

B. Naloxone Use:

1. Trained El Dorado County Sheriff's Office employees will request an ambulance to respond to the scene where the patient is in a potential overdose state.

2. Trained El Dorado County Sheriff's Office employees will determine need for treatment with Naloxone by evaluating the patient. If the patient is unresponsive with decreased or absent respiration,employees should administer Naloxone following the established training guidelines.

3. Once the assessment of the patient is complete, which should include but not be limited to determining unresponsiveness and other indicators of opioid involved overdose, trained employees will administer the medication following the established training guidelines.

4. Trained El Dorado County Sheriff's Office employees should use universal precautions and protections from blood borne pathogens and communicable diseases when administering Naloxone.

5. Trained El Dorado County Sheriff's Office employees will use proper tactics when administering Naloxone; individuals who are revived from an opioid overdose may regain consciousness in an agitated and combative state and may exhibit symptoms associated with withdrawal.

6. Trained El Dorado County Sheriff's Office employees will remain with the patient and monitor vital signs (respiration, pulse) until EMS personnel arrive.

7. Trained El Dorado County Sheriff's Office employees will inform EMS personnel upon their arrival that Naloxone has been administered. Absent extenuating circumstances, the administering employee should be the primary contact for EMS.

8. The administering employee will complete a Naloxone Usage Report form.

C. Maintenance/ Replacement/ Disposal of Naloxone :

1. Naloxone will be carried in a manner consistent with the proper storage guidelines for temperature and sunlight exposure based on manufacturers recommendations.

2. Used, lost, damaged, or expired Naloxone will be replaced according to the office's County Owned and Personal Property policy..

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a. Any expired, damaged, or partially used Naloxone will be disposed of by the Naloxone Coordinator. An email will be generated by the employee to their shift supervisor and sent by the supervisor to the office Naloxone Coordinator to document disposal and initiate replacement (Business and Professions Code § 4119.9 (b)). The memo will include:

1. When and how disposed of.
2. Reason for disposal.
3. Report number if applicable.

D. Documentation:

1. Following Naloxone administration, the employee shall submit a Naloxone Usage Report to the El Dorado County Emergency Medical Services Agency (EDC EMSA) via office report routing procedures through the Naloxone coordinator.

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Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of Office information technology resources, including computers, electronic devices, hardware, software and systems.

320.2 POLICY

It is the policy of the El Dorado County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any Office computer system.

The Office reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Office, including the Office email system, computer network, and/or any information placed into storage on any Office system or device. This includes records of all keystrokes or Web-browsing history made at any Office computer or over any Office network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through Office computers, electronic devices, or networks.

The Office shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Office may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Supervisors.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

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To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any Office computer. Members shall not install personal copies of any software onto any Office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on Office premises, computer systems or electronic devices. Such unauthorized use of software exposes the Office and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of Office- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.2 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to Office-related activities. Data stored on or available through Office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or Office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

320.4.3 INTERNET USE

Internet access provided by or through the Office shall be strictly limited to Office-related activities. Internet sites containing information that is not appropriate or applicable to Office use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Office while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access Office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

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320.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure Office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

320.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of their supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any Office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the Office computer system when requested by a supervisor or during the course of regular duties that require such information.

320.7 INCIDENTAL PERSONAL USE OF OFFICE COMPUTER SYSTEM

Users are responsible for exercising good judgement regarding the reasonableness of personal use of Office computers on personal time. Users may engage in reasonable incidental personal use of the office's computer systems, to the extent permitted by their supervisor, as long as such use does not degrade overall system performance (such as streaming media, music or videos files), detract from the user's productivity, duties, service to the public or Office, violate any law, or harm the image of the Office.

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Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy’s memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

321.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee’s opinions should not be included in reports unless specifically identified as such.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Office approved form unless otherwise approved by a supervisor.

321.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) Non-Felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy

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3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log).

321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Anytime a deputy points a firearm at any person

(b) Any use of force against any person by a member of this Office (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

321.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling deputy should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides.

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

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(e) Found dead bodies or body parts.

321.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

321.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this Office shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident they deem necessary.

321.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Unit shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated. Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Office consistency.

321.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

321.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The report and the correction notes should be returned to the reporting employee for correction as

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soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

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News Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Shift Supervisors and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

322.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) Under no circumstances will any employee be compelled to respond to the media. Each employee or supervisor shall assess the particular inquiry and direct the reported to the appropriate individual.

(b) When a media inquiry has been received and is not connected to an immediate and on-going situation in the field, this representative should be advised to contact the Public Information Officer. This section does not preclude advanced delegation of authority to a spokesperson.

(c) Comments to the media regarding any investigation being conducted by the internal investigations unit, litigation involving department employees and investigations conducted by other agencies regarding department employees is prohibited. Only the Sheriff, Undersheriff or the Sheriff's designated representative may provide such information to the media.

(d) Any employee or Operational Division wishing to make a press release or secure media coverage of a particular event shall coordinate the announcement or notification through the Sheriff, Undersheriff or Public Information Officer.

(e) No comments shall be made regarding any case which has been filed by the District Attorney's Office. No comments shall be made regarding cases being actively investigated by other police agencies. Official comments shall be the exclusive purview of the lead agency having the responsibility for the conduct/prosecution of the case.

(f) Problems or conflicts with news media personnel shall be reported through the chain of command to the Public Information Officer.

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(g) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.

(h) Under no circumstance should any member of this Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Sheriff.

322.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

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322.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

322.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Sergeant. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

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322.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Confidential peace officer personnel information (See Policy Manual § 1026)

1. The identities of deputies involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved deputy or upon a formal request filed and processed in accordance with the Public Records Act.

(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)

(c) Criminal history information

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(e) Information pertaining to pending litigation involving this department

(f) Information obtained in confidence

(g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

322.5 NOTIFICATION

In a major incident, the Patrol Supervisor or Senior Officer on the scene shall direct and ensure that the Division Commander and Public Information Officer are notified of the event.

(a) A major incident is a potential or actual disaster, an incident which requires the commitment of a large number of officers, the arrest of a known public figure, or any other event likely to attract news media immediately or the following day.

(b) When available, a Public Information Officer shall respond to the scene and assist the On Scene Commander in providing liaison with news media present. The Public Information Officer shall prepare general press releases for other appropriate media not at the scene.

(c) In the absence of a Public Information Officer, the Scene Commander or his/her designated representative shall be responsible for providing liaison with news media present.

322.6 GUIDELINES FOR THE RELEASE OF INFORMATION

When authorized to provide information to the news media, the following guidelines shall apply.

322.6.1 INFORMATION WHICH MAY BE RELEASED

(a) Facts and circumstances of arrest:

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1. Time and place
2. Resistance put up by the suspect
3. Pursuit necessary to apprehend
4. Use of weapons by officer or suspect
5. Description of circumstances
6. Other details which do not jeopardize investigations

(b) Identification of investigating and arresting officers and length of investigation.

(c) Limited description of evidence seized. (Do not make any reference to confessions, admissions or statements).

(d) Disclose the nature and actual charge.

(e) Any request for assistance from the public.

(f) The identity of victim or complainant if the release of that information is not otherwise prohibited by law. (No release of victim identity may be made if the crime is defined in Penal Code §§ 261, 264, 264.1 273A, 273D, 286, 288, 289 or D.V. etc.

322.6.2 INFORMATION NOT TO BE RELEASED

(a) Do not release the identity of the suspect prior to the arrest.

(b) Do not release the results of investigative procedures prior to arrest.

(c) The above items may be released if:

1. It will aid the investigation
2. It will assist in the apprehension of the suspect
3. It will warn the public of possible danger if the suspect were released.

(d) Do not release prior criminal record, reputation or character (Name, age, residence, occupation and family status may be released).

(e) Do not release identity or any personal information of a juvenile arrestee or suspect.

(f) Do not release the existence or contents of any confession or statement given by the suspect or the refusal to make a statement.

(g) Do not give an opinion about the possibility of a plea of guilty to the offense charged or a lesser charge.

(h) Do not release the performance of any examinations or tests, or the suspect's refusal or failure to submit to such examination or test.

(i) Do not release any photographs or mug shots except:

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1. If the release will aid in the arrest of the suspect.
2. If the release will aid in the investigation.
3. If the release will warn the public of danger.
4. After the suspect has been booked.

(j) Do not release the identity, testimony or credibility of a prospective witness.

(k) Do not release any personal opinion concerning the suspect's guilt, innocence or merits of the case.

(l) Do not release any information which would be known to be inadmissible in court.

(m) Do not move or pose suspects solely for the purpose of allowing photographs or news film to be taken. However, do not prevent photographers from taking un-posed pictures in public places.

(n) Do not release reference to investigative procedures such as fingerprints, polygraph tests, ballistic tests or lab test results.

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Court Appearance and Subpoenas

323.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

323.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that they are free to leave the court or return to duty, subject to being available by phone if called back.

Standby - When an employee receives a subpoena of a type which allows them to not appear in court, but remain available by phone so that they may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

323.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this office are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

323.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any office employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized office agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this office.

323.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this office unless it has been properly served and verified to have originated from a recognized legal authority.

323.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena, their immediate supervisor or an authorized Sheriff's Technician shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately

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provide a copy of the subpoena to the Sheriff's Technician responsible for subpoena coordination. The Sheriff's Technician shall maintain a chronological log of all office subpoenas and provide a copy of the subpoena to each involved employee.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the Sheriff's Technician and the individually named employee.

323.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. Priority should be given to cooperation with subpoenas and appearances in court. If, due to training, pre-existing vacation, illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, they shall, as soon as possible, inform the subpoena clerk or the Shift Supervisor of their absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that they will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, they may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that they will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

323.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the office. Employees are required to notify the office within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes their location during the day, the employee shall notify the subpoena clerk of how they can be reached by telephone. Employees are required to remain on

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standby each day the case is trailing. In a criminal case, the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

323.2.6 OFF-DUTY RELATED SUBPOENAS
Employees receiving valid subpoenas for actions taken off-duty not related to their employment with El Dorado County Sheriff's Office shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

323.2.7 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

323.3 CIVIL SUBPOENAS
The office will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding(s). In such situations, the office will also reimburse any employee for reasonable and necessary travel expenses.

The office will receive reimbursement for the employee's compensation through the civil attorney of record who subpoenaed the employee.

323.3.1 PROCEDURE
To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the office's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

323.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the employee or office is not a party without properly posted fees pursuant to Government Code § 68097.6.

323.3.3 PARTY MUST DEPOSIT FUNDS
The party in the civil action that seeks to subpoena an employee must deposit the statutory fee of $275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the employee make multiple appearances must make an additional deposit in advance.

323.4 OVERTIME APPEARANCES
If the employee appeared on their off-duty time, they will be compensated in accordance with the current employee's respective Memorandum of Understanding.

323.5 COURTROOM PROTOCOL
Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

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323.5.1 PREPARATION FOR TESTIMONY
Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

323.5.2 COURTROOM ATTIRE
Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

323.6 COURTHOUSE DECORUM
Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

323.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE
Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Sheriff, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding;

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or

(c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

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Declaration for Motion to Continue

324.1 PURPOSE AND SCOPE

The Declaration for Motion to Continue is a form that notifies the District Attorney's Office and thus the Court that a subpoenaed EDSO employee is unable to appear in court on the date(s) specified in the subpoena. This form should be considered a legal document. The purpose of the form is to ensure that the justification provided for non-compliance with a subpoena for a court appearance is reasonable and necessary.

324.2 POLICY

All employees of the office will use the Declaration for Motion to Continue form to notify the District Attorney's Office that they are unable to appear in court on the date(s) specified in the subpoena. The reason for the inability to appear in court shall be checked or stated on the form. The reasons for failing to appear will be reasonable and necessary, such as a pre-paid vacation out of the area, sick leave, medical leave, maternity/paternity leave, or mandatory training. There is a section on the form that can be checked stating the employee is on vacation, training, or school, but will be in the area and available for the court appearance if essential to the case.

If the subpoenaed employee is available to do so, they should sign the form. If the subpoenaed employee is not available due to injury, illness, etc. then their immediate supervisor should sign the form. In any event, the immediate supervisor of the subpoenaed employee shall initial the bottom of the Declaration for Motion to Continue form to signify they have reviewed the document. The original Declaration for Motion to Continue form shall be sent to the District Attorney's Office along with the subpoena. A copy of the subpoena shall be maintained in a binder in the Division in which the subpoenaed employee works.

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Reserve Deputies

325.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

325.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The El Dorado County Sheriff's Office shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this office.

325.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular sheriff's deputies before appointment.

Before appointment to the Sheriff's Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or meet the POST training requirement for their appropriate reserve level.

325.2.2 APPOINTMENT

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

325.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

Compensation for reserve deputies is provided as follows:

All reserve deputy appointees who work 16 hours or more per month will receive $75 per month uniform allowance. All property issued to the reserve deputy shall be returned to the office upon termination or resignation.

It shall be the reserve deputy's responsibility to turn in an activity log to the Reserve Sergeant or Reserve Coordinator at the end of each shift. The activity logs will be maintained by the Reserve Sergeant.

325.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies may perform a number of general and specialized law enforcement assignments, including but not limited to:

- Uniformed patrol
- Investigations
- Marine/boat patrol
- Search and Rescue

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- Special events

Reserve deputies are required to work a minimum of 16 hours per month, which can include meetings, public functions, patrol work etc.

325.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all office policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and they shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

325.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or the authorized designee.

325.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel

(b) Conducting reserve meetings

(c) Establishing and maintaining a reserve call-out roster

(d) Maintaining and ensuring performance evaluations are completed

(e) Monitoring individual reserve deputy performance

(f) Monitoring overall Reserve Program

(g) Maintaining liaison with other agency Reserve Coordinators

(h) Maintenance and management of reserve deputy training records

325.4 FIELD TRAINING

RESERVE DEPUTY LEVELS

LEVEL I: 830.6(a)(1), 832.6(a)(1)

- **AUTHORITY:** 24 hours or duration of specific assignment (on-duty).
- **ASSIGNMENT**: General Law Enforcement.
- **SUPERVISION:** Same as regular full-time peace officer.
- **TRAINING:** 1. Regular Basic Course (min. 664 hrs); 2. Field Training Program (min. 400 hrs); 3. CPT (24 hrs every 2 years).

LEVEL II: 830.6(a)(1), 832.6(a)(1)

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- **AUTHORITY:** Only for duration of the specific assignment (on-duty).
- **ASSIGNMENT**: General Law enforcement OR Limited support duties; may work assignments authorized for Level 3 reserve deputies.
- **SUPERVISION:** Immediate supervision by a peace officer who has completed the POST Regular Basic Course. May work assignments authorized for Level III without immediate supervision.
- **TRAINING:** 1. Modules III and II (min 333 hrs). 2. CPT (24 hrs every 2 years).

LEVEL III: 830.6(a)(1), 832.6(a)(3)

- **AUTHORITY:** Only for duration of the specific assignment (on-duty).
- **ASSIGNMENT**: Limited support duties: Duties not likely to result in physical arrests. Examples: traffic control, event security, report writing, evidence or prisoner transport. May transport prisoners without immediate supervision.
- **SUPERVISION:** Supervised in the accessible vicinity by a Level I reserve deputy or a regular full-time peace officer.
- **TRAINING:** Module III (min 144 hrs), reserve orientation program.

325.4.1 TRAINING OFFICERS

All reserve deputies must complete an office approved training program.

- Level I: Reserve deputies shall be trained by certified Field Training Officers as outlined in Policy Manual 436.2.2.
- Level II: Reserve deputies can be trained by either certified Field Training Officers as outlined in Policy Manual 436.2.2 or a full-time deputy sheriff who has a P.O.S.T. Basic Certificate.
- Level III: Reserve deputies can be trained by either certified Field Training Officers as outlined in Policy Manual 436.2.2 or a full-time deputy sheriff who has a P.O.S.T. Basic Certificate.

325.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Level II training program, a reserve deputy desiring to become a Level I Reserve Deputy will be assigned a Field Training Officer to complete the required training (16 weeks) as outlined in Policy Manual Section 436.5.

325.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual corresponding with their current appointment level. Upon completion of the Level II training program a Level I trainee will receive the office approved Field Training Manual. The Level I and Level II manuals are an outline of the subject matter and/or skills necessary to properly function as a Level I or Level II reserve deputy within the El Dorado County Sheriff's Office. The reserve deputy shall become knowledgeable of the subject matter as outlined in both manuals.

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325.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

When a reserve deputy who desires to become a level I reserve has satisfactorily completed all phases of formal training and has demonstrated competency in these functions they shall be certified as a Level I reserve deputy with this office by the Division Commander and/or the Reserve Coordinator.

325.5 SUPERVISION OF RESERVE DEPUTIES

Reserve deputies who have attained the status of Level II shall be under the immediate supervision of a regular sworn deputy (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve deputies who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

325.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve deputies certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve deputies may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Shift Supervisor may assign a certified Level I reserve deputy to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

325.5.2 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

325.5.3 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies will be issued a uniform badge and an El Dorado County Sheriff's Office identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

325.5.4 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this office as outlined in the Uniform Regulations and Uniform Specifications policies.

325.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against them or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations Division Commander.

Reserve deputies are considered at-will employees. Government Code § 3300 et seq. applies to reserve deputies with the exception that the right to hearing is limited to the opportunity to clear their name.

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Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

325.5.6 RESERVE DEPUTY EVALUATIONS

While in the Field Training Program for Level I reserve deputy, reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

325.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve deputy as having peace officer powers during their assigned tour of duty, provided the reserve deputy qualifies or falls within the provisions of Penal Code § 832.6.

325.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve deputies to carry a loaded firearm while on-duty. It is the policy of this office to allow reserves to carry firearms only while on-duty or to and from duty.

325.6.2 CONCEALED FIREARMS PROHIBITED

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid CCW permit. An instance may arise where a reserve deputy is assigned to a plainclothes detail for their assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to office standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by an office armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated their proficiency with said weapon.

When a reserve deputy has satisfactorily completed the level I training requirements, they may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Sheriff, or designee, with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve deputy's qualification will be individually judged. A reserve deputy's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve deputy remains in good standing with the El Dorado County Sheriff's Office Reserve Deputy Program.

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325.6.3 RESERVE DEPUTY FIREARM TRAINING

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual.

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Senior and Disability Victimization

326.1 PURPOSE AND SCOPE

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

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

326.2 DEFINITIONS

Definitions related to this policy include:

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

Dependent Adult - Any person residing in this state, between 18 and 64 years of age, who has physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This includes any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, as defined in state law (Health and Safety Code § 1250; Health and Safety Code § 1250.2; Health and Safety Code § 1250.3).

326.3 MANDATORY NOTIFICATION

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

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

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Welfare and Institutions Code § 15610.06; Welfare and Institutions Code § 15610.43; Welfare and Institutions Code § 15610.57).

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

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman.

(c) The State Department of Public Health shall be notified of all known or suspected abuse occurring in a long-term facility.

(d) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(e) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(f) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services.

(g) If the abuse occurred at a residential care facility for the elderly or adult day program, the State Department of Social Services shall be notified.

(h) If the abuse occurred in an adult day health care center, the State Department of Public Health and the California Department of Aging shall be notified.

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

The investigations unit supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

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326.4 DEPUTY'S RESPONSE

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

326.4.1 INITIAL RESPONSE

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

326.4.2 STABILIZE THE SITUATION

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

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance (e.g., injuries) should be photographed as soon as practicable.

(c) Assess and define the nature of the problem. Deputies should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.

(d) Make on-scene arrests when appropriate. Deputies may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon an adult to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code § 836).

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

326.4.3 SUPPORT PERSONNEL

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

- Patrol supervisor
- Investigations personnel
- Evidence collection personnel
- Protective Services Agency personnel

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- Ombudsman shall be called if the abuse is in a long-term care facility, to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

326.5 ELDER AND DEPENDENT ADULT ABUSE REPORTING

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

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

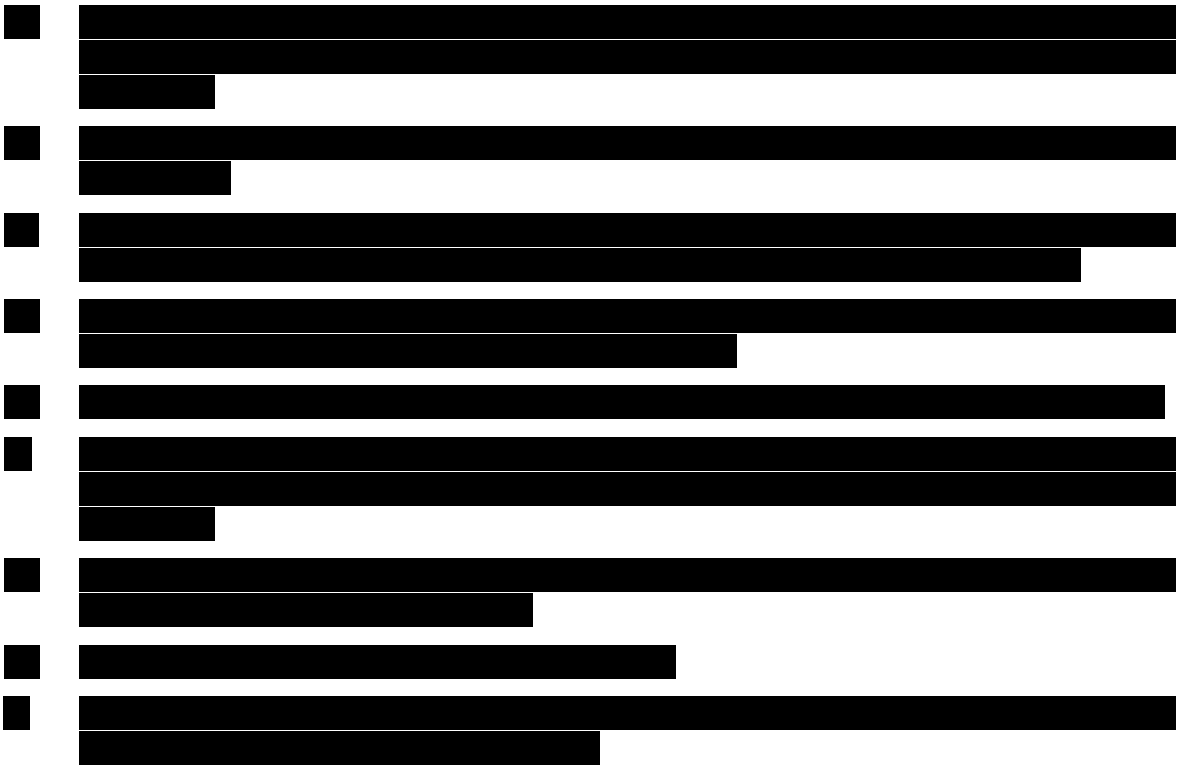
Reporting cases of elder or dependent adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

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

326.6 INVESTIGATIONS AND REPORTING

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

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



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[redacted]

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

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

326.6.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

(a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the

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cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).

(c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).

(d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

326.7 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.

(c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).

(e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).

1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

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

326.8 MANDATORY NOTIFICATION

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

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

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

(a) If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.

(b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(e) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(f) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(g) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the office, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(h) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

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(i) When the office receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigations Unit supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

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

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

326.8.1 NOTIFICATION PROCEDURE

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

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

326.9 PROTECTIVE CUSTODY

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

Generally, members of this office should remove an elder or dependent adult abuse victim from their family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably

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appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to APS.

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

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

326.9.1 EMERGENCY PROTECTIVE ORDERS

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

326.9.2 VERIFICATION OF PROTECTIVE ORDER

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

(a) Inquire whether the restrained person possesses firearms. The deputy should make this effort by asking the restrained person and the protected person.

(b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

(c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with office procedures.

326.10 INTERVIEWS

326.10.1 PRELIMINARY INTERVIEWS

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

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326.10.2 DETAINING VICTIMS FOR INTERVIEWS

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

(a) Exigent circumstances exist, such as:

  (a) A reasonable belief that medical issues of the adult need to be addressed immediately.

  (b) A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.

  (c) The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

326.10.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

326.11 MEDICAL EXAMINATIONS

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

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

326.12 DRUG-ENDANGERED VICTIMS

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

326.12.1 DEPUTY RESPONSIBILITIES

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

(a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

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(b) Notify the Investigations Unit supervisor so an interagency response can begin.

326.12.2 SUPERVISOR RESPONSIBILITIES
The Investigations Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Investigations Unit supervisor that they have responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.

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

326.13 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.

(f) Availability of victim advocates or other support.

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

(a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).

(b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).

1. Training should include the following:

(a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).

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(b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

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

326.14 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for:

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

(b) Retaining the original elder or dependent adult abuse report with the initial case file.

326.15 JURISDICTION

The El Dorado County Sheriff's Office has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this office will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

326.16 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

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

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

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity

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knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

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

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

1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.

2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

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

1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

3. False imprisonment, as defined in Section 236 of the Penal Code.

4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice. medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

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

Welfare and Institutions Code § 15610.57

(a) "Neglect" means either of the following:

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

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2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

3. Failure to protect from health and safety hazards.

4. Failure to prevent malnutrition or dehydration.

5. Substantial inability or failure of an elder or dependent adult to manage personal finances.

6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

(c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

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

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

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

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

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

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

2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.

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

4. Incest, as defined in Section 285 of the Penal Code.

5. Sodomy, as defined in Section 286 of the Penal Code.

6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

7. Sexual penetration, as defined in Section 289 of the Penal Code.

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8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

1. For punishment.

2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

3. For any purpose not authorized by the physician and surgeon.

326.17 ELDER AND DEPENDENT ADULT ABUSE LIAISON

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

(a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b)(15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).

(b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

326.18 SHERIFF RESPONSIBILITIES

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

(a) Taking leadership within the office and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of office support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.

(b) Developing and including office protocols in this policy, including but not limited to the following:

1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).

2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:

(a) In the case of a senior and disability victimization committed in a deputy's presence, including but not limited to a violation of a relevant protective

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order, the deputy shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

(b) In the case of a felony not committed in a deputy's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

(c) In the case of a misdemeanor not committed in the deputy's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.

(d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.

3. Procedures for first responding deputies to follow when interviewing persons with cognitive and communication disabilities until deputies, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

(c) For each office protocol, include either a specific title-by-title list of deputy responsibilities or a specific office or unit in the office responsible for implementing the protocol.

(d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).

(e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).

(f) Ensuring that all members carry out their responsibilities under this policy.

(g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to deputies, including a simple and immediate way for deputies to access the policy in the field when needed.

(h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

326.19 APPENDIX

See attachment: Senior and Disability Victimization First Responder Guide.pdf

See attachment: Senior and Disability Victimization First Responder Checklist.pdf

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Student Internships

327.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office Student Internship Program provides opportunities for students to gain on the job skills and knowledge. Internship assignments will supplement and assist staff in their duties.

327.2 SELECTION & APPOINTMENT OF STUDENT INTERNS

The El Dorado County Sheriff's Office shall endeavor to recruit and select only those applicants who meet the high ethical, moral, and professional standards set forth by this agency.

327.2.1 PROCEDURE

Paid student interns are considered extra help employees and non paid student interns are considered volunteers and both shall be required to meet and pass the same pre-employment procedures as set forth by the Department of Human Resources. Unpaid Interns are considered volunteers as directed by Board of Supervisors Policy E-6 – Volunteer Policy.

Before appointment to the Sheriff's Office, interns must participate in a background investigation to include:

(a) Criminal background check; Fingerprints shall be obtained through Live Scan for all applicants prior to appointment.

(b) Pre-Investigative questionnaire.

(c) DMV record report.

(d) Credit check.

(e) Verification of previous employment.

(f) Verification of good standing with their educational institution.

327.2.2 APPOINTMENT

Applicants who are selected for appointment will be assigned to a unit in need of additional support. That assignment will align with the intern's course studies whenever practicable.

Units will submit a request for intern support through their chain of command to the Support Services Division. The Support Services Division will follow established procedures with Human Resources to obtain a list of eligible applicants for internships. The Support Services Division Commander will determine where an intern will be assigned prior to a conditional offer of employment or a volunteer assignment.

327.2.3 TERMINATION

An intern may resign from the program by submitting a letter of resignation to their supervisor. Extra help employees serve in at-will appointments in the unclassified service as described by the Department of Human Resources. At-will employees may be terminated at any time without

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cause and without opportunity for appeal. After a period of no activity in the program, an extra help employee must be terminated from employment.

327.3 DUTIES OF STUDENT INTERNS

Student interns may perform a number of general and specialized assignments, including but not limited to:

- Records
- Property
- Coroner
- Custody
- Special events

Student interns are required to work on average a minimum of 16 hours per week and a maximum as established by Human Resources.

327.3.1 POLICY COMPLIANCE

Student interns shall be required to adhere to all Sheriff's Office policies and procedures. A copy of the policies and procedures will be made available to each intern upon appointment, and they shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to non-sworn regular full-time staff, it shall also apply to student interns unless by its nature it is inapplicable.

327.3.2 TRAINING

All interns will be subject to the Department of Human Resources training requirements for all county employees. Interns will be provided with an orientation to acquaint them to the Sheriff's Office, personnel, policies and procedures that have a direct impact on their work assignment.

Interns should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Intern Coordinator. This shall include any mandated training which allows the intern access to confidential information.

327.3.3 CONFIDENTIALITY

With the appropriate training, interns may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or Sheriff's Office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by Sheriff's Office policy and supervisory personnel.

Each intern will be required to sign a non-disclosure agreement before being given an assignment with the Sheriff's Office. Subsequent unauthorized disclosure of any confidential information,

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verbally, in writing or by any other means by the intern is grounds for immediate dismissal and potential criminal prosecution.

327.4 INTERNSHIP COORDINATORS

The first level supervisor in each unit shall serve as the intern's supervisor. Non-supervisory staff may provide direction in day-to-day operations but will not supervise. The supervisor shall have responsibility for the following, but not limited to:

(a) Assignment of duties.

(b) Ensuring proper and adequate training is provided.

(c) Monitoring individual performance and providing regular feedback.

(d) Continuously monitoring the workload and needs of the internship.

(e) Maintaining relationships with the intern's educational staff, if appropriate.

327.5 UNIFORM

Interns shall conform to all uniform regulation and appearance standards for civilian staff as outlined in the El Dorado County Sheriff's Office Uniform Regulations and Uniform Specifications policies.

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Registered Offender Information

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the El Dorado County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

328.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

328.3 REGISTRATION

The Investigations Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

328.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

328.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with their registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Investigations Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to El Dorado County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

328.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the El Dorado County Sheriff's Office's website. Information on sex registrants placed on the El Dorado County Sheriff's Office's website shall comply with the requirements of Penal Code § 290.46.

The Records Manager may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

328.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender’s full name

(b) The offender’s known aliases

(c) The offender’s sex

(d) The offender’s race

(e) The offender’s physical description

(f) The offender’s photograph

(g) The offender’s date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

328.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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Discriminatory Harassment

329.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the County of El Dorado's commitment to provide a work environment free from unlawful discrimination, harassment and retaliation, to define discrimination, harassment and retaliation and to establish the procedure for reporting conduct believed to violate this policy. This policy also describes procedures for filing, investigating and resolving complaints of discrimination, harassment and/or retaliation.

The County of El Dorado is committed to a work environment in which all individuals are treated with respect and dignity. It is the responsibility of each and every employee, supervisor and manager, department head and elected official to refrain from conduct constituting unlawful discrimination, harassment and/or retaliation, to prevent such conduct from occurring in the workplace and to cooperate fully and truthfully with the investigation of complaints of discrimination, harassment and/or retaliation. Discrimination, harassment and retaliation are unlawful under federal and state law, and such conduct decreases work productivity and morale, and undermines the integrity of employment relationships. Therefore, complaints of discrimination, harassment and retaliation will be promptly, thoroughly and appropriately investigated and addressed.

El Dorado County is committed to eliminating unlawful discrimination, harassment and/or retaliation of any kind and to providing a workplace free of discrimination, harassment and retaliation. The County of El Dorado is committed to take all steps necessary to prevent unlawful discrimination, harassment and retaliation from occurring. This includes, but is not limited to, requiring managers and supervisors to take a proactive role in distributing, implementing and enforcing this policy, expressing strong disapproval for violating the policy, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of unlawful harassment, discrimination or retaliation, and developing methods to sensitize all concerned.

329.2 PROHIBITED CONDUCT: DISCRIMINATION, HARASSMENT AND RETALIATION

El Dorado County maintains a standard of zero tolerance for unlawful discrimination, harassment and retaliation whether verbal, physical or otherwise, and all employees are expected to conform to this policy of zero tolerance.

Unlawful discrimination, harassment or retaliation directed toward an applicant, employee, supervisor, manager, elected official, contract employee or other co-workers and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status that is a violation of State and/or Federal law and will not be tolerated by the County of El Dorado.

The County of El Dorado prohibits retaliation of any kind against a person for reporting or filing a complaint of unlawful discrimination, harassment or retaliation and prohibits retaliation for participating in any such report, complaint or investigation, whether as a complainant or witness.

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Employees, supervisors, managers, contract employees, elected officials and/or other coworkers found to be participating in any form of employment-based harassment, discrimination or retaliation against any applicant or employee may be subject to disciplinary action up to and including termination from employment.

This zero tolerance policy is applicable to all terms and conditions of employment including, but not limited to, hiring, placement, compensation, assignments, leave, promotion, training, disciplinary action, layoff, recall, transfer, leave of absence, termination and reinstatement.

329.3 DEFINITIONS

For the purpose of clarification, unlawful discrimination or harassment includes, but is not limited to, the following behaviors:

(a) Sexual Harassment:

1. **Quid Pro Quo** - Any sexual advance or act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, or where submission to or rejection of the conduct is used as a basis for an employment action, decision or other treatment affecting such individual; or
2. **Hostile Work Environment** - Unwelcome or offensive conduct that is sexual in nature and/or that is motivated by or directed to an employee on the basis of actual or perceived gender with the purpose or effect of unreasonably interfering with an individual's work performance, or which creates an intimidating, hostile or offensive work environment. The conduct need not be explicitly sexual to meet this definition and may include repeated or continuing unwelcome or offensive romantic advances, requests, invitations or unwelcome or offensive overtures to express a romantic or intimate interest in another employee. Conduct creating a hostile work environment is a violation of this policy whether or not there is any tangible, adverse impact on the employee's job benefits.
3. **Other forms of harassment** - Unwelcome or offensive conduct motivated by or directed to an employee on the basis of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status with the purpose or effect of unreasonably interfering with an individual's work performance, or which creates an intimidating, hostile or offensive working environment. Conduct creating a hostile work environment is a violation of this policy whether or not there is any tangible, adverse impact on the employee's job benefits.

(b) Examples of Behaviors Constituting Harassment:

1. **Verbal Harassment** - Epithets, derogatory comments, slurs, propositioning, graphic or descriptive comments, or other offensive words or comments on the actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status that whether made in general, directed to an individual or to a group of people and regardless of whether the behavior was intended to harass or offend. Such

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behavior may include, but is not limited to, comments about appearance, dress, body type or physical features, comments about personal life which may be perceived as offensive or sexual behavior, sexual rumors or comments, jokes or anecdotes related to race, disability, age or religion.

2. **Physical Harassment** - Assault, impeding or blocking movement, staring, leering or any physical interference with work, privacy or movement on the basis of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status that, regardless of whether the behavior was intended to harass or offend. Physical harassment may include, but is not limited to, pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or explicit or implied threats or promises in return for submission to physical requests or demands.

3. **Visual Forms of Harassment** - Derogatory, prejudicial, stereotypical, pornographic or otherwise offensive posters, pictures, objects, cartoons, notes, bulletins, drawings, photographs related to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status that, whether made in general, directed to an individual or to a group of people and regardless of whether the behavior was intended to harass or offend. These provisions apply to posted material, material maintained in or on County of El Dorado premises or equipment, and to personal property in the workplace.

4. **Discrimination** - Adverse actions, decisions or other treatment affecting an employee and motivated by or directed toward the employee on the basis of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status, including, but not limited to, those affecting hiring, placement, compensation, assignments, leave, promotion, training, disciplinary action, layoff, recall, transfer, leave of absence, termination and reinstatement.

5. **Retaliation** - Adverse actions, decisions or other treatment including, but not limited to, threats or coercion affecting an employee and motivated by or directed toward the employee on the basis of the employee's participation as complainant or witness in a report or complaint of discrimination, harassment or retaliation, or the employee's participation in the investigation of such a complaint including, but not limited to, action, decisions or other treatment affecting hiring, placement, compensation, assignments, leave, promotion, training, disciplinary action, layoff, recall, transfer, leave of absence, termination and reinstatement.

329.4 RESPONSIBILITIES

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329.4.1 DEPARTMENT HEADS/MANAGEMENT/ELECTED OFFICIALS

It is the responsibility of department heads and other management and elected officials to refrain from conduct constituting unlawful discrimination, harassment and/or retaliation; to enforce and maintain policies to prevent and prohibit unlawful discrimination, harassment and retaliation in the workplace; to immediately report any complaint of discrimination, harassment or retaliation to Human Resources and/or the CAO; to maintain a departmental work environment that is free of unlawful discrimination, harassment and/or retaliation; to ensure that all employees within the department are provided with a copy of the policy and are provided with training on its provisions; and to ensure that any violation of this policy that is brought to management's attention is handled promptly, fairly and impartially. It is their further responsibility to monitor compliance with this policy by subordinates and to ensure attendance at County-sponsored training in prevention of unlawful discrimination, harassment and retaliation in the workplace.

Failure to refrain from conduct found to constitute unlawful discrimination, harassment and/or retaliation will result in disciplinary action up to and including termination. Failure to take corrective action when a department head/manager/elected official knew, or should have known, that an employee was being subjected to unlawful discrimination, harassment or retaliation on the job is a violation of this policy and may subject the department head/manager/elected official to a disciplinary action up to and including termination or other appropriate sanctions. A failure to report conduct that may constitute unlawful discrimination, harassment and/or retaliation to the Department of Human Resources (EEO Officer) or CAO, or failure to cooperate fully and truthfully in an investigation of a complaint of discrimination, harassment or retaliation, or failure to require such cooperation from subordinates, may result in disciplinary action up to and including termination.

All Department Heads, mangers and elected officials have the responsibility to set a professional and proper example in complying with the provisions of this policy.

329.4.2 SUPERVISORS

It is the responsibility of supervisors to refrain from conduct constituting unlawful discrimination, harassment and/or retaliation, to enforce this policy, to ensure employees attend relevant County-sponsored training concerning this policy and to monitor the work place to ensure compliance with the policy. When a supervisor is informed of, or observes a violation of, this policy the supervisor shall bring the information to the attention of management immediately.

Failure to refrain from conduct found to constitute unlawful discrimination, harassment and/or retaliation will result in disciplinary action up to and including termination. A failure to report conduct that may constitute unlawful discrimination, harassment and/or retaliation to management or failure to cooperate fully and truthfully in an investigation of a complaint of discrimination, harassment or retaliation, or failure to require such cooperation from subordinates may subject the supervisor to disciplinary action up to and including termination.

All supervisors have the responsibility to set a professional and proper example in complying with the provisions of this policy.

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329.4.3 HUMAN RESOURCES DIRECTOR AND DEPARTMENT

The Director of Human Resources is the County's Equal Employment Opportunity Officer (EEO Officer). The Director and the Human Resources Department shall be responsible for:

(a) Fostering the cooperation of Department Heads and other managers in meeting program goals in relation to the identification, prevention and elimination of unlawful discrimination, harassment and retaliation in the workplace;

(b) Ensuring that qualified applicants and employees with disabilities, who are capable of performing the essential functions of their positions, are provided with reasonable accommodations;

(c) Reviewing job classifications, pre-employment and performance testing requirements and qualifications to ensure that they are relevant to the functions of the positions and do not adversely affect qualified applicants and employees whose disabilities can be reasonably accommodated so as to allow them to perform the essential functions of their positions;

(d) Investigating and resolving complaints of discrimination, harassment and retaliation which fall within the provisions of this policy or directing and monitoring investigations conducted by independent contracts;

(e) Reporting to the Board of Supervisors and Department Heads concerning developments in the area of workplace unlawful discrimination, harassment, retaliation and the effectiveness of implementation of the County's policy;

(f) Scheduling and auditing periodic training of County management and employees in the area of unlawful workplace discrimination, harassment, retaliation including identification of prohibited conduct, procedures for reporting the occurrence of such conduct and prohibition against retaliation for complaints;

(g) Reporting the occurrence of such unlawful discriminatory, harassing or retaliatory conduct prohibited by the policy to the appropriate department head and/or supervisor to ensure that appropriate action occurs.

329.5 COMPLAINT PROCEDURE

The County of El Dorado encourages individuals who believe they have suffered unlawful discrimination, harassment and/or retaliation to promptly notify the offender that his or her behavior is unwelcome or objectionable. One-on-one confrontation may be an effective way to end inappropriate behaviors. However, confrontation may be difficult and due to the complex nature of issues relating to discrimination, harassment and retaliation, employees are not required to confront an offending party prior to initiating a complaint process. All persons are required to report conduct even if the behavior stops. The following steps should be taken to report a complaint of discrimination, harassment or retaliation:

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329.5.1 APPLICANTS AND EMPLOYEES

An applicant or employee who believes that he or she has been subjected to unlawful discrimination harassment or retaliation may make a complaint orally or in writing with any of the following:

(a) Any supervisor or manager within or outside the department

(b) Department Head

(c) Director of Human Resources/Equal Employment Opportunity Officer

(d) Chief Administrative Officer

Applicants or employees may instead or in addition file a complaint with the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission.

Employees are not required to follow their usual chain of command in making a complaint concerning unlawful discrimination, harassment or retaliation. A complainant is never required to report unlawful discrimination, harassment or retaliation to a supervisor, manager or other employee whom the complainant believes is engaging in or tacitly supporting the unlawful discrimination, harassment or retaliation.

329.5.2 WHEN A COMPLAINT IS RECEIVED

Upon receipt of a complaint of unlawful discrimination, harassment or retaliation, whether verbal or in writing, a supervisor, manager or Department Head shall immediately notify the Department of Human Resources or the Chief Administrative Officer who will initiate the appropriate initial fact finding. If an employee of the Department of Human Resources is the complainant or accused of unlawful discrimination, harassment or retaliation, then the investigator shall be the Chief Administrative Officer or his or her designee.

329.5.3 FORMAL INVESTIGATION UPON ALLEGATION OF UNLAWFUL DISCRIMINATION, HARASSMENT OR RETALIATION

Upon determination of the Director of Human Resources, CAO or designee of an allegation of unlawful discrimination, harassment or retaliation, a formal investigation may be conducted as appropriate to the complaint. The investigation may include collection of relevant documents and interviews with the complainant, witnesses, including the accused employee(s), and all persons whom the investigator reasonably believes would have relevant knowledge concerning the complaint. Employees are entitled to have a Union or legal representative present during their interviews where the employee reasonably believes the investigation could result in the imposition of disciplinary action against them. If the accused person is a public safety officer, the investigation will be in accordance with the Peace Officer's Bill of Rights.

Following the completion of the investigation, the complainant and accused employee(s) will be notified of the completion of the investigation and of the ultimate outcome i.e. whether the evidence establishes a violation of County policy. If the determination is made that discrimination, harassment and/or retaliation occurred which violates County policy, the Director of Human Resources (EEO Officer) or CAO shall take and/or recommend prompt and effective remedial

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action commensurate with the severity of the offense(s), taking into account the principles of progressive discipline as well as the County's zero tolerance policy towards unlawful discrimination, harassment and retaliation. Human Resources may provide investigation materials and evidence to the relevant Department Head or other employee(s) as strictly necessary to carry out any disciplinary or corrective action. However, preservation of the confidentiality of the records pursuant to applicable statutes shall apply. For example, in the event disciplinary action is taken the nature of any discipline will not be disclosed to the complainant.

Employees who report discrimination, harassment or retaliation will be protected from retaliation. Relevant supervisors and managers must continue to monitor the workplace during and after the complaint and investigation process to ensure that there is no recurrence of behavior constituting discrimination, harassment or retaliation and to maintain an environment of full compliance with the provisions of this policy.

329.6 APPEAL

If the complainant is not satisfied with the determination or resolution of the complaint, the complainant may file an appeal with the Civil Service Commission within thirty (30) days of the determination/recommendation of the EEO Officer or CAO.

Appeals to the Civil Service Commission are to be filed in writing to:

County of El Dorado Civil Service Commission

C/O Human Resources Department

330 Fair Lane

Placerville, CA 95667

The filing of a complaint in accordance with this policy does not preclude the employee from filing a complaint with the agencies listed below:

Department of Fair Employment and Housing (DFEH)

2000 O Street

Sacramento, CA 95814

(800) 884-1684

Equal Employment Opportunity Commission (EEOC)

901 Market Street, Suite 500

San Francisco, CA 94103

(415) 356-5100

329.7 APPLICATION

This policy applies to all employees of the County of El Dorado including contract employees, permanent employees, temporary/extra help employees, supervisory employees, department

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heads, private contractors, volunteers and elected officials. All such persons and employees shall receive a copy of the policy and shall sign a written acknowledge that they have received and read a copy of this policy. A copy of this acknowledgement will be placed in each employee's official personnel file.

329.8 FALSE COMPLAINTS

This section is not intended to discourage employees from making complaints regarding discrimination, harassment or retaliation. However, intentionally false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated. Any complaint made by an employee of the County of El Dorado regarding discrimination, harassment or retaliation which is proven to be intentionally false may result in discipline up to and including termination.

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Major Incident Notification

330.1 PURPOSE AND SCOPE

Incidents that are of a significant nature and that fall into listed criteria require notification to certain members of this office. It is critical that staff members are informed of certain incidents in order to apprise their superiors and properly address inquiries from members of the press.

330.2 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander(s). The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicide
- Officer-involved shooting, on or off duty (Refer to the Officer Involved Critical Incident policy for special notifications)
- Significant injury or death to an employee, on or off duty
- Death of a prominent El Dorado County official
- Arrest of an office employee or prominent El Dorado County official
- Aircraft crash with major damage, injury or death
- In-custody death
- Search and Rescue
- Major fire, flood, severe weather and other disaster concerns
- Any event that would attract media attention

330.3 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor is responsible for making the appropriate initial notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and then make the notifications as soon as practicable. Notification should be made by calling the telephone number(s) of their Lieutenant first and then by any other available contact.

330.3.1 STAFF NOTIFICATION

In the event that an incident occurs as described in section 358.2 above, the Sheriff shall be notified along with the affected Division Commander and the Investigations Section Lieutenant if that division is affected.

330.3.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

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330.3.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified, and it appears that the media may have a significant interest in the incident.

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Death Investigation

331.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

331.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g. decapitated, decomposed, etc.). A supervisor shall be notified in the event of a suspicious or criminal death investigation.

331.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

(l) Occupational diseases or occupational hazards.

(m) Known or suspected contagious disease and constituting a public hazard.

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(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

(o) In prison or while under sentence. Includes all in-custody and sheriff's involved deaths.

(p) All deaths of unidentified persons.

(q) All deaths of state hospital patients.

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

331.2.2 SEARCHING DECEDENTS AND DEATH LOCATIONS

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that a peace officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to a peace officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating peace officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the peace officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

During the course of a field death investigation, the Deputy Coroner shall be responsible for searching for and identifying pertinent evidence

(a) The Deputy Coroner shall conduct a thorough search of the decedent and death location in order to locate pertinent evidence and property of the decedent, with consideration to applicable 4th amendment requirements.

(b) The Deputy Coroner may also be required to search any relevant incident location(s) related to the death in order to locate evidence and property of the decedent, with consideration to applicable 4th amendment requirements.

331.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner’s Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested

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to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

331.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

331.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

331.2.6 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

331.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

331.3 PATROL DEPUTY RESPONSIBILITIES

- Preserve Life
- Arrest the suspect
- Protect the scene

331.3.1 ARRIVAL AT SCENE

A rapid response is imperative to protect evidentiary materials before they are destroyed, altered, or lost. Anything and everything is considered evidence, whether physical or testimonial. Evidence must be preserved, noted and brought to the investigator's attention. Upon your arrival, the only evidence that should be collected is eyewitness accounts or spontaneous statements of a suspect. After the scene is secured, immediate notification must be made to investigators.

331.3.2 DOCUMENTATION

Record and later document the exact time of your arrival. Enter the immediate area of the crime scene to view the victim. Only one deputy needs to enter, unless there are officer safety reasons.

(a) If medics are called, document medic and fire engine numbers as well as names and badge numbers of medic personnel. If medics or deputies disturb or move items at the scene, document as follows:

1. What alterations were made?
2. When were alterations made?

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3. Purpose of the movement.
4. Person who moved the item.

(b) Note and document the following in the immediate area (Medics may alter one or all of the following):

1. Lights turned on or off.
2. Doors opened, closed, locked or unlocked.
3. Body moved or cut down (e.g. hanging).
4. Windows opened, closed, lockedor unlocked.
5. Furniture movedor anything touched.

331.3.3 PRELIMINARY INVESTIGATION / PROTECTION OF CRIME SCENE

Set up a scene perimeter using crime scene tape. Remember the possibility of multiple crime scenes (the bigger the perimeter the better).

[redacted]

331.3.4 SUSPECT IN CUSTODY AT THE SCENE

Arrest the suspect if you can determine by your observations that they are the suspect. As a general rule, do not Mirandize and/or question the suspect at this stage without first consulting with an investigator.

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331.3.5 NOTIFICATIONS

Make notification of details to supervisors by using tactical radio channels or telephone. The press and the general public can monitor police radios.

Standby for investigators and advise what has transpired since the arrival of the first deputy.

331.3.6 DYING DECLARATIONS

Whenever a victim is transported to a hospital, a deputy should accompany the victim inside the transportation vehicle (e.g. ambulance, air evacuation, etc). The following should be ascertained and relayed to the victim:

(a) The victim should know their name and where they are at the time of the declaration.

(b) The victim needs to be advised of the seriousness of their injuries, and advised that they may die as a result of the injuries.

(c) The victim's statement can be written or oral. Record the statement if possible.

(d) It is recommended that a witness be present, but it is not necessary.

(e) Keep investigators advised of any developments while at the hospital.

(f) Recover all evidence at the hospital(e.g. clothing, bullet fragments, etc.).

331.3.7 VICTIM DECEASED AT THE SCENE

(a) Do not search the deceased for identification in death investigations where investigators will be called.

(b) As soon as possible, remove witnesses from the scene but not the immediate area.

(c) Separate witnesses from citizens and other potential witnesses.

(d) Document all witness statements.

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(e) Do not give your opinions to witnesses or family members, or discuss details of the incident with other deputies while you're near the news media.

331.3.8 NEWS MEDIA AT THE SCENE

(a) Do not allow the media access to the primary crime scene. A staging area should be set up for the media.

(b) Do not give statements to the media. Direct media to the patrol or investigations supervisors, or a designated public information officer.

(c) Do not allow suspects or any detained witnesses to talk with media personnel.

331.3.9 SUICIDES AND SUSPICIOUS DEATHS

(a) An investigator will be called on suicides involving firearms.

(b) A Coroner investigator will be called on all hanging deaths.

(c) An investigator will be called on all juvenile suicides, regardless of the means of death.

(d) An investigator will be called on suspicious deaths.

(e) Handle all suicides and accidental deaths as potential homicides.

(f) Secure the immediate scene and detain witnesses as appropriate.

(g) Do not allow the removal of any evidence until photographed by the Crime Scene Investigations unit or approved by investigators.

(h) If a death is by hanging and death is evident, do not cut the deceased down. If the deceased is cut down because death is not evident (e.g. CPR, First Aid), make the cut above the knot.

(i) If relatives are present, obtain any background information which may assist investigators.

331.4 SHIFT SERGEANT'S RESPONSIBILITY AT DEATH SCENES

Patrol supervisors must respond to all death investigations prior to calling an investigator.

Patrol supervisors will note and make a detailed account of the circumstances surrounding the incident, then relay the information to the investigator prior to their response.

Updated information will aid the investigator with decisions regarding appropriate resource needs.

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Identity Theft

332.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

332.2 REPORTING

(a) In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this office when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:

1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where they reside.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this office should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the resulting fraud occurred and is reported in this jurisdiction).

(c) Deputies should include all known incidents of fraudulent activity. Deputies should attempt to obtain all account numbers/statements, locations, financial institutions, video, and/or any other documents related to the crime.

(d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting deputy should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and office processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Private Persons Arrests

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

333.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all deputies shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

333.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

333.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The deputy must include the basis of such a determination in a related report.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

333.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

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Limited English Proficiency Services

334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

334.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the office to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the El Dorado County Sheriff's Office, designated by the office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

334.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

334.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the El Dorado County Sheriff's Office's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Supervisor and Dispatch Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the office to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the office in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding office LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities.

334.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by office members, or who may benefit from programs or services within the jurisdiction of the office or a particular geographic area.

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(b) The frequency with which LEP individuals are likely to come in contact with office members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

334.5 TYPES OF LEP ASSISTANCE AVAILABLE

El Dorado County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

334.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

334.7 AUDIO RECORDINGS

The office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

334.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this office is not available, personnel from other County departments, who have been identified by the office as having the requisite skills and competence, may be requested.

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334.9 AUTHORIZED INTERPRETERS

Any person designated by the office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the office case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

334.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this office or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the office has a resource-sharing or other arrangement that they will interpret according to office guidelines.

334.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

334.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the office or some other identified source.

334.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The El Dorado County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

334.11.1 EMERGENCY CALLS TO 9-1-1

Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Central Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

334.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary.

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Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

334.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

334.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

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334.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

334.16 COMPLAINTS

The office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

334.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

334.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

334.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

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Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Communications with Persons with Disabilities

335.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

335.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

335.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

335.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the County ADA coordinator regarding the El Dorado County Sheriff's Office's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to office services, programs and activities.

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(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor and Dispatch Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities.

335.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean they completely understand the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

335.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

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The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the El Dorado County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

335.6 TYPES OF ASSISTANCE AVAILABLE

El Dorado County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The office will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The office will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

335.7 AUDIO RECORDINGS AND ENLARGED PRINT

The office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

335.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified

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interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide their own interpreter (28 CFR 35.160).

335.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

335.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the office to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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335.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

335.12 REPORTING

Whenever any member of this office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the office or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

335.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

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If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

335.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

335.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that they understand the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

335.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that they prefer a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

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When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

335.16 COMPLAINTS

The office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this office are able to do so. The office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the office ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this office.

335.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

335.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the office will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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335.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Central Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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Mandatory Employer Notification

336.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

336.2 POLICY

The El Dorado County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

336.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Sheriff or the authorized designee is required to report the arrest as follows.

336.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or the authorized designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

336.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or the authorized designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

336.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Sheriff or the authorized designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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336.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Sheriff or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

336.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

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Biological Samples

337.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

337.2 POLICY

The El Dorado County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

337.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

337.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

337.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

337.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only

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with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

337.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the Office's records retention schedule (15 CCR 1059).

337.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Office for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

337.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

337.6.1 DOCUMENTATION RELATED TO FORCE

The Shift Supervisor or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

337.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

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The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

337.6.3 LITIGATION

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this Office is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

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Chaplain Program

338.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the office, their families and members of the public.

338.2 POLICY

It is the policy of this office that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

338.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for office personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the office.

(c) By providing counseling, spiritual guidance and insight for office personnel and their families.

(d) By being alert to the spiritual and emotional needs of office personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

338.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.

(e) Membership in good standing with the International Conference of Police Chaplains (ICPC).

(f) Possess a valid California Drivers License.

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338.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Appropriate written application.

(b) Recommendation from their church elders, board, or council.

(c) Interview with Sheriff & Chaplain Supervisor

(d) Successfully complete an appropriate level background investigation.

(e) Complete an appropriate probationary period as designated by the Sheriff.

338.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

(a) Assist in making notification to families of office members who have been seriously injured or killed.

(b) After notification, respond to the hospital or home of the office member.

(c) Visit sick or injured law enforcement personnel in the hospital or home.

(d) Attend and participate, when requested, in funerals of active or retired members of the office.

(e) Assist sworn personnel in the diffusion of a conflict or incident when requested.

(f) Respond to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or Supervisor aids in accomplishing the office's mission.

(g) Be on call and if possible, on duty during major demonstrations or any public function that requires the presence of a large number of office personnel.

(h) Counsel deputies and other personnel with personal problems when requested.

(i) Attend office and academy graduations, ceremonies and social events and offer invocations and benedictions, as requested.

(j) Be responsible for the organization and development of spiritual organizations in the office.

(k) Respond to all major disasters such as earthquakes, bombings and similar critical incidents.

(l) Provide liaison with other religious leaders of the community.

(m) Assist public safety personnel and the community in any other function of the clergy profession as requested.

(n) Participate in in-service training classes.

(o) Willingness to train to enhance effectiveness.

(p) Facilitate requests for representatives or ministers of other denominations promptly.

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(q) Make referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.

Chaplains may not accept gratuities offered for their services or follow-up contacts while functioning as a chaplain for the El Dorado County Sheriff's Office.

338.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the office may work or volunteer for the El Dorado County Sheriff's Office in any capacity other than that of chaplain.

Office chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform office members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any El Dorado County Sheriff's Office employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

338.8 COMMAND STRUCTURE

(a) Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the Senior Chaplain and/or Shift Supervisor.

(b) The Sheriff shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander.

(c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Sheriff. They will arrange for regular monthly meetings, act as chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

338.9 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven days at a time during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with El Dorado County Sheriff's Office personnel a minimum of eight hours per month.

(c) At the end of each watch the chaplain will complete a Chaplain Shift Report and submit it to the Sheriff or the authorized designee.

(d) Chaplains shall be permitted to ride with officers during any shift and observe El Dorado County Sheriff's Office operations, provided the Shift Sergeant has been notified and approved of the activity.

(e) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.

(f) In responding to incidents, a chaplain shall never function as an officer.

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(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the El Dorado County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.

(i) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

338.9.1 UNIFORMS AND BADGES

A distinct uniform, badge and necessary safety equipment will be provided for the Chaplains. This uniform may be similar to that worn by the personnel of this office.

338.10 TRAINING

The office will establish a minimum number of training hours and standards for office chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, deputy injury or death, and sensitivity and diversity, as approved by the Training coordinator.

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Child and Dependent Adult Safety

339.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this Office (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

339.2 POLICY

It is the policy of this Office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The El Dorado County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

339.2.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered dependent minor children.

Deputies should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.

    1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.

    2. Except when a court order exists limiting contact, the deputy should attempt to locate and place dependent children with the non-arrested parent or guardian.

(b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.

(c) Notify Child Protective Services if appropriate.

(d) Notify the field supervisor or Shift Supervisor of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the

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principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

339.2.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law (Penal Code § 851.5(c)).

339.2.3 REPORTING

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

339.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

339.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other

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Office-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the El Dorado County Sheriff's Office and are expected of all Office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this Office or a member's supervisors.

340.2 DISCIPLINE POLICY

The continued employment of every employee of this Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for their position.

340.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any Office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

340.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, Office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

340.4 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient office service:

340.4.1 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

(d) Failure to notify the office within 24 hours of any change in residence address or contact telephone numbers.

340.4.2 CONDUCT

(a) OfficeUnauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.

(c) Using Office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(e) Unauthorized possession of, loss of or damage to Office property or the property of others, or endangering it through unreasonable carelessness or maliciousness.

(f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(h) Using or disclosing one's status as an employee with the in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Office business or activity.

(i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Office for personal or financial gain or without the express authorization of the Sheriff or a designee.

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(j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Office.

(l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

340.4.3 DISCRIMINATION

(a) Any form of discrimination based on the actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status and other classifications protected by law.

340.4.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.

(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

340.4.5 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

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(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Sheriff's Office or subverts the good order, efficiency and discipline of the Sheriff's Office or which would tend to discredit any member thereof.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Sheriff's Office or members thereof.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Office record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any Office property for the personal use of the employee or any unauthorized person.

(k) The unauthorized use of any badge, uniform, identification card or other Office equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(m) Any knowing or negligent violation of the provisions of the Office manual, operating procedures or other written directive of an authorized supervisor. The El Dorado County Sheriff's Office shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(n) Work-related dishonesty, including attempted or actual theft of Office property, services or the property of others, or the unauthorized removal or possession of Office property or the property of another person.

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

(q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Office practices or procedures.

(r) Active or continuing association with or joining a criminal gang, organized crime and/or criminal syndicate when the Office member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Sheriff's Office.

(s) Offer or acceptance of a bribe or gratuity.

(t) Misappropriation or misuse of public funds.

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(u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on Office premises; at any work site; while on-duty or while in uniform; or while using any Office equipment or system. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Sheriff's Office.

(x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Office property or while in any way representing themself as a member of this agency.

(y) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.

(z) Violating any misdemeanor or felony statute.

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Office or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Office or its members.

(ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any Office-related business.

340.4.6 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within Office facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

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(f) Violating Office safety standards or safe working practices.

340.4.7 SECURITY

(a) Unauthorized, intentional release of confidential information, materials, data, forms or reports.

340.4.8 SUPERVISORY RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this Office and the actions of all personnel comply with all laws.

(b) Failure of a supervisor to timely report known misconduct of an employee to their immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.4.9 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in Office or County manuals.

(b) Disobedience of any legal directive or order issued by any Office member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

340.5 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

340.5.1 WRITTEN REPRIMANDS

(a) All Sergeants, Civilian Supervisors, and above, may issue a Notice of Correction, subject to approval by a Lieutenant. Sergeants and Civilian Supervisors may issue a Letter of Counseling, with Division Commander approval.

(b) All Lieutenants, Civilian Managers, and above, may issue disciplinary action up to and including a Letter of Reprimand, with Sheriff, or designee, approval.

1. Lieutenants may suspend an employee with pay, only under the following circumstances:

(a) In the absence of the Sheriff, Undersheriff, and Division Commander.

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(b) In an emergency situation.

(c) If it appears likely that the employee's continued presence would create a security risk or would be a detriment to the Office's good function.

(c) All supervisory personnel may recommend more severe action than their respective rank allows them to issue. However, the action itself must fall within their range of authority.

(d) All disciplinary action involving suspension through dismissal shall be reviewed and authorized by the Division Commander who shall ensure that the investigation initiating such action is complete.

340.5.2 WRITTEN REPRIMANDS

Unless specifically addressed in a relevant Memorandum of Understanding (MOU), any employee wishing to formally appeal a written reprimand must submit, within five (5) working days from the effective date of such punitive action, a Notice of Appeal to the Sheriff or designee acting in the capacity of administrative appeal officer, together with any and all documents supporting the employee's appeal including statements from any witnesses. Employees represented by MOUs with specific and differing terms shall have the right to appeal a written reprimand in accordance with the provisions set forth in the respective Memorandum of Understanding between the covered member and the County of El Dorado.

Failure to submit a Notice of Appeal to the Sheriff or designee within the time period prescribed shall constitute an absolute waiver of the right to an "administrative appeal" pursuant to Government Code Section 3300 et seq.

The Sheriff or the authorized designee must respond in writing to the Notice of Appeal within twenty (20) working days following submission. No hearing is required to be held and the designee may respond to the appeal solely on the materials and documents provided by the employee and by the Office.

The Sheriff or designee, acting as the Administrative Appeal Officer, shall have the power to amend, modify, rescind, or uphold, in whole or any part thereof, the claimed punitive action of the Office or the authority imposing discipline.

The "administrative appeal" provided for herein need not be completed prior to the implementation of the alleged "punitive action".

When issuing a Written Reprimand, Supervisors, and Civilian and Sworn Managers, shall follow the approved Sheriff's Office format.

340.5.3 LETTER OF COUNSELING

A Letter of Counseling shall be defined as the documentation of a conversation in which a supervisor advises an employee to correct certain behavior, and is not a disciplinary action. Any employee may file a rebuttal to a Letter of Counseling by submitting the rebuttal, in writing, to the issuing supervisor within five (5) working days of the issuing date of the Letter of Counseling. The written rebuttal shall be attached to the Letter of Counseling and both shall be placed into the

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employee's evaluation file for a minimum of two (2) years. All Letters of Counseling will be kept in an employee's evaluation file for a minimum of 2 years. The Letter of Counseling may be used to assist in the completion of the employee's evaluation during the first year.

When issuing Letters of Counseling, Supervisors, and Civilian and Sworn Managers shall follow the approved Sheriff's Office format.

340.6 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient Office service:

340.7 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This Skelly response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.

(d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issue(s) of information raised in any subsequent materials.

(f) Once the employee has completed their Skelly response or, if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Sheriff has issued a written decision, the discipline shall become effective.

340.8 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

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The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.9 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) and personnel rules.

340.10 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet Office standards, the employee shall have no right to appeal and the following shall be considered:

(a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file.

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Service Animals

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

341.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler’s control, the facility can accommodate the horse’s type, size and weight, and the horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

341.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to provide services and access to persons with service animals in the same manner as those without service animals. Office members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

341.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

341.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the El Dorado County Sheriff's Office affords to all members of the public (28 CFR 35.136).

341.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disability nor should the person be asked to provide any license, certification or identification card for the service animal.

341.4.2 CONTACT

Service animals are not pets. Office members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

341.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a deputy may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this Office are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

341.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this Office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Volunteer Program

342.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the office and prompt new enthusiasm.

342.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

342.2 VOLUNTEER MANAGEMENT

342.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Sheriff or the authorized designee. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other office staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or their designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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342.2.2 RECRUITMENT
Volunteers should be recruited on a continuous and ongoing basis consistent with office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

342.2.3 SCREENING
All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(b) Employment

(c) References

(d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

342.2.4 SELECTION AND PLACEMENT
Service as a volunteer with the Sheriff's Office shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Sheriff's Office, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Sheriff's Office.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Sheriff's Office.

342.2.5 TRAINING
Volunteers will be provided with an orientation program to acquaint them with the office, personnel, policies and procedures that have a direct impact on their work assignment.

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Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the office.

342.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when their judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this office regarding drug and alcohol use.

342.2.7 DRESS CODE

As representatives of the office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to office-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official office assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while they are off duty.

Volunteers shall be required to return any issued uniform or office property at the termination of service.

342.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

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A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

342.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by office policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the office. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the office, or maintain that they represent the office in such matters without permission from the proper office personnel.

342.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the office and shall be returned at the termination of service.

342.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and office approved driver safety course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

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The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating an office vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all office vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate an office vehicle Code-3.

342.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

342.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear their name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

342.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the office.

342.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Off-Duty Law Enforcement Actions

344.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the El Dorado County Sheriff's Office with respect to taking law enforcement action while off-duty.

344.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this office who becomes aware of an incident or circumstance that they reasonably believe poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

344.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations and office policy. All firearms and ammunition must meet guidelines as described in the office Firearms and Qualification Policy. When carrying firearms while off-duty deputies shall also carry their office-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the deputy's senses or judgment.

344.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

344.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if possible.

Whenever practicable, the deputy should loudly and repeatedly identify themself as an El Dorado County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

344.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

344.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

344.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case they need to maintain an undercover capability.

344.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Supervisor as soon as practicable. The Shift Supervisor shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Office Use of Social Media

345.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the Office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by Office members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this Office (see the Investigation and Prosecution Policy).

345.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the Office website or social networking services

345.2 POLICY

The El Dorado County Sheriff's Office may use social media as a method of effectively informing the public about Office services, issues, investigations and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

345.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only Office-approved equipment during the normal course of duties to post and monitor Office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over Office social media by members who are not authorized to post should be made through the member's chain of command.

345.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the Office mission and conforms to all Office policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the Office mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

345.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

345.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the El Dorado County Sheriff's Office or its members.

(e) Any information that could compromise the safety and security of Office operations, members of the Office, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Office's social media site that they believe is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

345.5.1 PUBLIC POSTING PROHIBITED

Office social media sites shall be designed and maintained to prevent posting of content by the public.

The Office may provide a method for members of the public to contact Office members directly.

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345.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of Office social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

345.7 RETENTION OF RECORDS

The Support Services Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

345.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on sites.Office

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Gun Violence Restraining Orders

347.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

347.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

347.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms, ammunition, and ammunition magazines obtained by the Office pursuant to such orders.

347.3 GUN VIOLENCE RESTRAINING ORDERS

A deputy who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the deputy's supervisor to petition the court for a gun violence restraining order.

Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, a deputy may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

347.3.1 ADDITIONAL CONSIDERATIONS

Deputies should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108)

(a) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Deputies should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present

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danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

347.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

A deputy serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or ammunition magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms, ammunition, or ammunition magazines be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search in compliance with applicable domestic violence firearm seizure authority (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records supervisor or designee for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The deputy should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms, ammunition, and ammunition magazines he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms, ammunition, and ammunition magazines collected shall be handled and booked in accordance with the Property and Evidence Policy.

347.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the deputy shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to the Records Supervisor or designee for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

347.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm, ammunition, or ammunition magazines, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search

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warrant shall be done in accordance with EDSO Search and Seizure Policy 322. Additionally, (Penal Code § 1542.5):

(a) The deputy serving the warrant shall take custody of any firearm, ammunition, or ammunition magazine that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm, ammunition, or ammunition magazine is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

  (a) The firearm, ammunition, or ammunition magazine can be stored in a manner that does not allow the restrained person to have control or access.

  (b) There is no evidence that the owner unlawfully possesses the firearm, ammunition, or ammunition magazine.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the deputy shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

347.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by a deputy or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by a deputy, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of receipts of surrendered firearms, ammunition, or ammunition magazine issued by other agencies for gun violence restraining orders issued by the Office are properly maintained (Penal Code § 18120).

(d) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

347.7 COURT-ORDERED FIREARMS, AMMUNITION, AND AMMUNITION MAGAZINE SURRENDERS

Authorized members shall accept firearms, ammunition, and ammunition magazines from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

(a) Record the individual's name, address and telephone number.

(b) Record the serial number of the firearm.

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(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms, ammunition, and ammunition magazines.

(e) Package and submit the firearms, ammunition, and ammunition magazines in accordance with the Property and Evidence Policy.

347.8 RELEASE OF FIREARMS AMMUNITION AND AMMUNITION MAGAZINES

Firearms, ammunition, and ammunition magazines that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and Property Procedure 805.

347.9 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigations supervisor is responsible for the review of a gun violence restraining order obtained by the Office to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

347.10 POLICY AVAILABILITY

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

347.11 TRAINING

The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

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Controlled Substance Training Aids

348.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of Controlled Substance Training Aids by authorized persons for narcotics detection canine training, law enforcement controlled substance training, and community training.

348.1.1 DEFINITIONS

(a) **Controlled Substance** - Drugs that are regulated by the government due to their potential for abuse or misuse AND which are regularly and reasonably used for training purposes.

(b) **Authorized Person** - Any peace officer in performance of their official duties or civilian drug detection canine trainer working under the direction of the El Dorado County Sheriff's Office who are specifically authorized by a division commander to possess a controlled substance for use as a training aid.

(c) **Large Quantity of Controlled Substance** - A controlled substance threshold amount as determined by the Division Commander following the request for the release of the respective controlled substance (the large-quantity threshold will differ based on the substance).

348.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to allow controlled substances to be used for training aids where appropriate, with proper approval and in strict compliance with established policies and law.

348.3 CONTROLLED SUBSTANCE TRAINING AID USE

Controlled Substance Training Aids, with specific approval, may be used by all duly authorized peace officers, while providing substance abuse training to law enforcement or the community or while providing canine drug detection training, in performance of their official duties, and any person working under their immediate direction, supervision, or instruction (Reference Health and Safety Code 11367.5).

348.4 GENERAL CONTROLLED SUBSTANCE TRAINING AID PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of controlled substance exposure, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual authorized person.

(b) The weight and test results shall be recorded and maintained by this office.

1. For canine teams, these records shall be maintained by the canine handler and additionally by the canine coordinator.

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(c) Any person possessing controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances. Any loss or damage to controlled substance training aids shall be reported to a supervisor as soon as practicable.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the unit supervisor with a copy forwarded to the dispensing agency.

1. For the canine unit, these records shall be maintained by the canine coordinator.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the authorized person's assigned county vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The unit supervisor shall periodically inspect every controlled substance training sample possessed in their unit for damage or tampering and take any appropriate action required.

1. For the canine unit, this shall be the responsibility of the canine coordinator.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

348.5 OBTAINING CONTROLLED SUBSTANCE TRAINING AIDS

To ensure accountability, inventory control and transparency for controlled substance training aids, the following procedures will be followed:

(a) All controlled substance training aids released or acquired for training purposes will be done in compliance with all respective laws and statues.

(b) Controlled substances released for training aids shall be items destined for destruction and no longer needed for criminal evidence.

(c) The release of controlled substances for training aids requires approval from the division commander via the chain of command.

(d) Approval for the release of controlled substances for training aids will be forwarded to the Property Section for processing. Requests should include the following, if applicable:

1. Type of controlled substance requested.
2. Quantity requested.
3. Case number, if applicable.

(e) Property Section personnel will arrange the release of the controlled substance.

(f) Prior to the release, and upon the return, of the controlled substance, the possessor and Property Section personnel will perform a presumptive test and record the weight

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of the controlled substance. This information will be recorded in a property inventory log.

(g) Property Section personnel will maintain an inventory log of all releases and returns of controlled substance training aids. The log shall include the following:

1. The date of release and return of the controlled substance.
2. The type of controlled substance released.
3. Who the controlled substance was released to and who returned it.
4. The type of training the controlled substance training aid was released for.
5. The weight of the controlled substance upon release and the weight upon return.
6. The presumptive test results of the controlled substance upon release and upon return.

(h) In the event that any or all of the controlled substance was destroyed during training, the possessor will notify his immediate supervisor and document the incident in a memo. Property Section personnel will also be notified and provided a copy of the memo.

(i) Any controlled substance training aid which has been released by the Property Section must be returned within one hundred eighty days (180) of being released.

(j) The Property Section shall maintain an accurate record of all controlled substances released for office use and for use by an outside agency.

(k) All requests for controlled substance training aids from an outside agency shall be approved by the Sheriff or designee.

348.6 OBTAINING LARGE QUANTITY CONTROLLED SUBSTANCE TRAINING AIDS

To obtain large quantities of controlled substance training aids, in addition to the procedures above, the following will apply:

(a) Large quantity controlled substance training aids will only be checked out and returned on the day of the training, unless specifically authorized by the division commander.

(b) If the Property Section staff is not available on the day of the training, the above release procedures may be completed early and the controlled substance training aid may be stored in a locked property room locker until the day of the training. The controlled substance training aid may then be picked up from the property locker on the day of the training.

(c) If the Property Section staff is not available at the conclusion of the training, the controlled substance training aid may be secured in a locked property room locker until the next availability of Property Section staff to meet and complete the return procedures above.

Any discrepancy in weight or packaging will be noted and the unit supervisor or on duty supervisor will be contacted immediately.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The El Dorado County Sheriff's Office provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and office members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of El Dorado County. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.

(h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

(i) Directing and controlling traffic.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the office should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

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Additionally, information should be shared with outside agencies and the public in conformance with office policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.5 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, deputies should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to Office members that affirms the El Dorado County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.2.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

401.3 MEMBER RESPONSIBILITIES

Every member of this Office shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a

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supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.3.1 REASON FOR CONTACT
Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.3.2 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP
A deputy conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the deputy reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Deputies shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

401.3.3 REPORTING OF STOPS
Unless an exception applies under 11 CCR 999.227, a deputy conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple deputies conduct a stop, the deputy with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the El Dorado County Sheriff's Office is the primary agency, the El Dorado County Sheriff's Office deputy shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the deputy's shift or as soon as practicable (11 CCR 999.227).

401.4 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved deputy and their supervisor in a timely manner.
    1. Supervisors should document these discussions, in the prescribed manner.

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(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.

1. Supervisors should document these periodic reviews.
2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this Office who discloses information concerning bias-based policing.

401.5 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

(a) Explicit and implicit biases.

(b) Avoiding improper profiling.

401.5.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Training Unit.

(a) All sworn members of this Office will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this Office are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this Office who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against deputies is collected and provided to the Records Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Unit Policy.

Supervisors should ensure that data stop reports are provided to the Records Manager for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

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Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY
It is the policy of the El Dorado County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY
The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until they are properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS
The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

[redacted]

402.5 SEARCHES
Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

402.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).Office

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Crisis Response Unit

403.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of three specialized teams: the Crisis Negotiation Team (CNT), the Explosive Ordinance Disposal (EOD) Team, and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field deputies appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

403.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to office personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

403.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of office policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

403.2 POLICY

It shall be the policy of this office to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

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403.2.1 OPERATIONAL PROCEDURES
This office shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures will be kept at the unit level.

403.3 TRAINING NEEDS ASSESSMENT

The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities and office policy.

403.3.1 INITIAL TRAINING
SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous SWAT Basic training completed by members may be considered equivalent when the hours and content (topics) meet or exceed office requirements or POST standardized training recommendations.

403.3.2 UPDATED TRAINING
SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

403.3.3 SUPERVISION AND MANAGEMENT TRAINING
Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

403.3.4 SWAT ONGOING TRAINING
SWAT team training will be coordinated by the SWAT team Sergeant, consistent with the defined mission capabilities.

403.3.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

403.3.6 SCENARIO BASED TRAINING
The SWAT team should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

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403.3.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Team Sergeant. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

403.4 UNIFORMS, EQUIPMENT, AND FIREARMS

403.4.1 UNIFORMS
The SWAT team from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

403.4.2 EQUIPMENT
The SWAT team from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

403.4.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

403.5 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT
The CRU Lieutenant shall be selected by the Sheriff upon recommendation of staff.

403.5.1 PRIMARY UNIT MANAGER
Under the direction of the Sheriff, through the Operations Division Commander, the Crisis Response Unit shall be managed by the CRU Lieutenant.

403.5.2 TEAM SUPERVISORS
The Crisis Negotiation Team, Explosive Ordinance Disposal Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Sheriff upon specific recommendation by staff and the CRU Lieutenant.

The following represent the supervisor responsibilities for the Crisis Response Unit.

(a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Lieutenant.

(b) The Explosive Ordinance Disposal Team supervisor's primary responsibility is to supervise the operations of the Explosive Ordinance Disposal Team which will include deployment, training, first line participation, and other duties as directed by the EOD Lieutenant.

(c) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Lieutenant.

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403.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

403.6.1 SELECTION OF PERSONNEL

Those deputies selected as members of the Crisis Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

403.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

403.7.1 SELECTION OF PERSONNEL

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the Team Sergeant. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

403.8 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in

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a situation not requiring the physical presence of the Crisis Negotiation Team or the Explosive Ordinance Disposal Team such as warrant service operations. This shall be at the discretion of the CRU chain of command.

403.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Shift Supervisor, they will notify the Lieutenant, Operations Division Commander, Undersheriff, or the Sheriff, as available.

403.8.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Certain exceptional cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

403.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the CRU Lieutenant. Deployment of the El Dorado County Sheriff's Office Crisis Response Unit in response to requests by other agencies must be authorized by a Division Commander, Undersheriff or the Sheriff, as available.

403.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the El Dorado County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the El Dorado County Sheriff's Office when working in a multi-agency situation.

403.8.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor shall make a request to the Team Sergeant for the Crisis Response Unit. The Team Sergeant shall then notify the CRU lieutenant. A current mobilization list shall be maintained in the Shift Supervisor's office by the Team Sergeant. The CRU Lieutenant will then notify the Operations Division Commander as soon as practical.

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The Shift Supervisor should advise the CRU or SWAT team supervisor with as much of the following information which is available at the time :

[redacted]

The CRU Lieutenant or SWAT team supervisor shall determine the appropriate level of response, and initiate the call out or response procedures and notify the Operations Division Commander, Undersheriff, or the Sheriff, as available.

403.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

[redacted]

403.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Lieutenant and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Lieutenant, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Lieutenant will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis

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Response Unit. The Incident Commander and the CRU Lieutenant (or their authorized designee) shall maintain communications at all times.

403.8.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL
All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Team Sergeant or their authorized designee.

403.9 SWAT DEPLOYMENT MATRIX

Point total of 17 or above authorizes notification of SWAT team.

Check only one block in each of the seven categories. The block checked should be the highest block that is applicable to the subject or the location.

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[redacted]

403.9.1 USE OF ELECTRONIC AMPLIFYING OR RECORDING DEVICES

The El Dorado County Sheriff's Office will maintain a list of qualified personnel, in conjunction with the El Dorado County District Attorney's Office, for the purposes of compliance with State Law related to the use of electronic amplifying and/or recording devices by peace officers during emergency situations. Reference Penal Code section 633.8.

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Ride-Along Policy

404.1 PURPOSE AND SCOPE

The purpose of the El Dorado County Sheriff's Office ride-along program is to encourage community involvement in Law Enforcement and to educate the public by opening up the lines of communication within the community. The ride-along program promotes a better understanding of the challenges, risk and rewards of the Deputy's role in the community.

404.1.1 ELIGIBILITY

The El Dorado County Sheriff's Office ride-Along Program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the office
- Denial by any supervisor

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Administrative Sergeant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the ride-Along Form.

The Administrative Sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Supervisor as soon as possible for their scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the office will contact the applicant and advise them of the denial.

404.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Shift Supervisor.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for sheriff's Explorers are covered in the Sheriff's Explorer Policy Manual.

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404.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be professionally dressed in a collared shirt, blouse or jacket, pants and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Shift Supervisor or field supervisor may refuse a ride along to anyone not properly dressed.

404.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this office or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Shift Supervisor. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

404.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the El Dorado County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

404.3 DEPUTY'S RESPONSIBILITY
The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time. The Administrative Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the Ride-along waiver form shall be returned to the Administrative Sergeant with any comments which may be offered by the deputy.

404.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct them in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the deputy

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment

(c) The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

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(e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person

404.5 HOST DEPUTIES

(a) Participants not authorized to receive confidential information shall not attend briefing, however, will be introduced at the close of briefing.

(b) The Host Deputy shall have complete control over participants.

(c) The host deputy may terminate the ride-along at any point if they become uncomfortable and/or determine that the ride-along is detrimental to the mission of the Sheriff's Office. In such an event, the supervisor should be notified as soon as practicable.

(d) Participants are not permitted to become involved in any investigation by handling evidence, discussion with victims and/or suspects, or handling police equipment.

(e) The Host Deputy shall respond to calls in a safe manner, providing as much information to the participant as possible.

(f) The participant should be able to witness as much enforcement activity as possible. Participants will be restricted to the patrol vehicle unless the deputy feels that they will not be in danger, interfere in the handling of the call, or unduly embarrass the victim by their presence.

(g) At the completion of the ride-along, the Host Deputy shall sign and make any appropriate comments on the ride-along application. The application shall then be routed to the Sheriff's Technician assigned to Patrol Services, where it will be filed. The application shall be maintained for three years from the date of participation, at which time it will be destroyed, in the event the participant is injured, a copy of the application will be maintained with any reports that are generated.

404.6 FREQUENCY OF PARTICIPATION

(a) Visiting sworn personnel shall be permitted to participate twice annually, however, shall be no less than six months apart.

(b) Sheriffs Correctional Officers and Academy Cadets may participate a maximum of once every three months, not to exceed four per twelve-month period.

(c) Representatives of ancillary agencies shall be permitted to participate once annually.

(d) Sheriffs Office civilian employees shall be permitted to participate twice annually for orientation purposes or established business necessity. The exceptions will be Sheriffs Explorers, and employees of Central Dispatch, who will be if permitted to participate for orientation purposes as follows:

1. Dispatchers and Explorers may participate a maximum of once every three months, not to exceed four per twelve-month period.

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2. Dispatch trainees may participate a maximum of one ride-along every two weeks throughout their training phases. Upon completion of training, the dispatcher schedule listed above shall be followed.

(e) Community members may participate twice annually.

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Hazardous Material Response

405.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to office members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this office.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

405.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).

(b) Notify the fire department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when a deputy comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

405.3 REPORTING EXPOSURE

Office members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an employee memorandum that shall be forwarded via chain of command to the Shift Supervisor as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

405.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the office will be obtained through the fire department.

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Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

(a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

(b) Unlawfully held against their will under threat or actual use of force.

406.2 POLICY

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by the Use of Force policy, with particular regard directed toward the safety of hostages.

406.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, Office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

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406.4 FIRST RESPONDER CONSIDERATIONS

Unless otherwise relieved by a supervisor, the initial deputy at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

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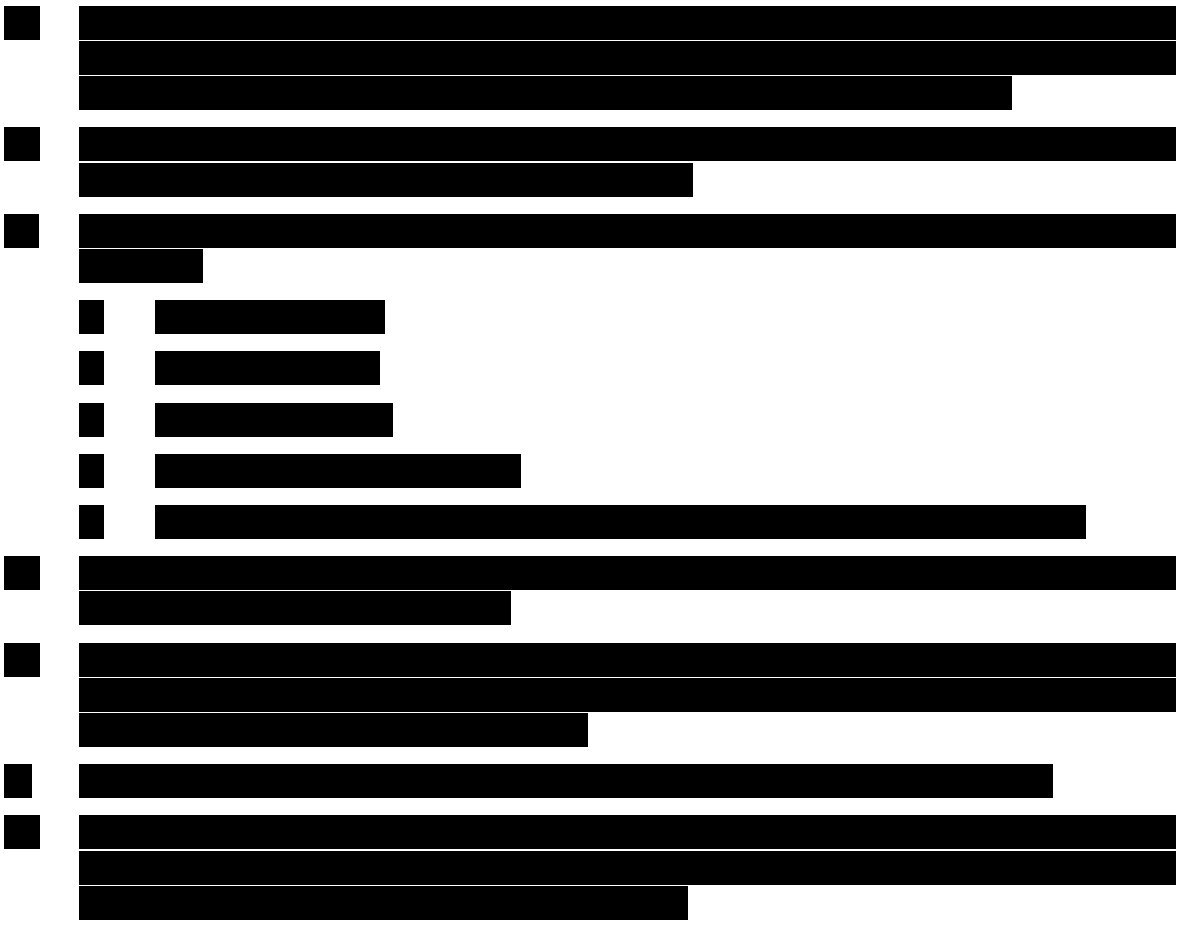
Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the El Dorado County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:



Explosive or military ordnance of any type should be handled only by the Explosive Ordinance Disposal (EOD) Team or military ordnance disposal team.

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407.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding deputies should consider the following actions:

[redacted]

407.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire Department

(b) Explosive Ordinance Disposal (EOD) Team

(c) Additional deputies

(d) Shift Supervisor

(e) Office of Emergency Services (OES)

(f) Detectives

(g) Crime Scene Investigation (CSI) Team

407.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe and reasonable distance.

407.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance, and evidence may be imbedded in nearby structures or hanging in trees and bushes.

407.4 BOMB THREATS RECEIVED AT SHERIFF'S FACILITY

This procedure shall be followed should a bomb threat call be received at the sheriff's facility.

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407.4.1 BOMB THREATS RECEIVED BY TELEPHONE

[redacted]

407.4.2 RESPONSIBILITIES

As soon as a bomb threat has been received, the Shift Sergeant will be advised and fully informed of the details. The Shift Sergeant will then direct and assign deputies as required for coordinating a general building search or evacuation as they deem appropriate.

The initial responding deputy will act as the incident commander until relieved by proper authority (Field Supervisor, Explosive Ordinance Disposal (EOD) Team).

[redacted]

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Response to Bomb Calls

[redacted]

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Mental Illness Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

408.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

408.3 AUTHORITY

A deputy having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the deputy believes that, as a result of a mental disorder, the person is a danger to themself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, deputies are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person

(b) A family member

(c) The person subject to the determination or anyone designated by the person

408.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a 5150 commitment, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the deputies should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.

(b) If at any point the person changes their mind regarding voluntary evaluation, deputies should proceed with the 5150 commitment, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

408.3.2 SECURING OF WEAPONS AT THE PSYCHIATRIC HEALTH FACILITY

Deputies and Correctional Officers will routinely be unarmed while guarding an inmate of the jail, an arrestee, or a 5150 commit at the Psychiatric Health Facility (PHF). Firearms shall be secured in their vehicles or in gun-safes at PHF.

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If exigent circumstances are present, Correctional Officers and Deputies may remain armed or re-arm themselves. As soon as practicable, Correctional Officers and Deputies shall advise their respective Shift Supervisor of these circumstances.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Deputies should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

408.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the deputy shall take reasonable precautions to safeguard the individual's personal property in their possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The deputy taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the deputy shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

408.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting deputy should have Central Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Shift Supervisor approval is required before transport commences.

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408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

408.7 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

(c) Facilitate the individual's transfer to jail after mental health evaluation and clearance.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this Office to regain custody of the individual, Office resources (e.g., posting a guard) and other relevant factors in making this decision.

408.8 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

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The handling deputies shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Deputies shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

408.8.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling deputy has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations Unit, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Office makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Office shall send written notice to the individual informing them of the right to a hearing on the issue, that they have 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

(a) If no petition is initiated within the above period, the Office shall make the weapon(s) available for return in accordance with subsection (b) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Office may file a petition for an order of default.

(b) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.

(c) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Office be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

408.9 DOCUMENTATION

The deputy shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for deputy involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or themself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

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408.9.1 ADVISEMENT

The deputy taking a person into custody for evaluation shall advise the person of:

(a) The deputy's name and agency.

(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise them of their rights.

(c) The name of the facility to which the person is being taken.

(d) If the person is being taken into custody at their residence, they should also be advised that they may take a few personal items, which the deputy must approve, and may make a telephone call or leave a note indicating where they are being taken. The deputy should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

408.10 TRAINING

This Office will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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Cite and Release Policy

409.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

409.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Office's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

409.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing deputy shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

409.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting deputy should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

409.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Shift Supervisor or the authorized designee.

409.4 NON-RELEASE

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409.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))

(b) Felony domestic battery (Penal Code § 273.5)

(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))

(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)

(e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)

(f) Stalking (Penal Code § 646.9)

(g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

409.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Shift Supervisor may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Office and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).

(e) The person could not provide satisfactory evidence of personal identification.

    1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.

(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:

1. Previous failure to appear is on record
2. The person lacks ties to the area, such as a residence, job, or family
3. Unusual circumstances lead the deputy responsible for the release of arrested persons to conclude that the suspect should be held for further investigation

(j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.

(k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Shift Supervisor for approval and included with the case file in the Records Unit.

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Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the El Dorado County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The El Dorado County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.

(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.

410.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever a deputy arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the deputy shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

411.2 POLICY

The El Dorado County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

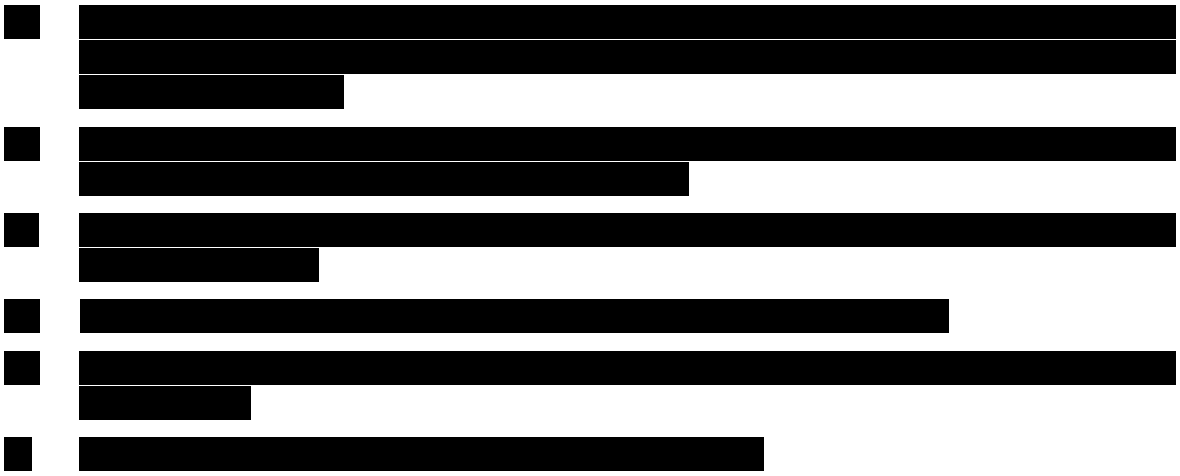
411.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:



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- [redacted]

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

411.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, deputies shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

411.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

- [redacted]
- [redacted]

411.5 PLANNING

The Operations Division Commander should coordinate critical incident planning. Planning efforts should consider:

- [redacted]
- [redacted]
- [redacted]
- [redacted]

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411.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

  (a) This should include the POST terrorism incident training required for deputies assigned to field duties (Penal Code § 13519.12).

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Reporting Law Enforcement Activity Outside of Jurisdiction

412.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting law enforcement activity while on- or off-duty and occurring outside the jurisdiction of the El Dorado County Sheriff's Office.

412.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, they shall obtain prior approval from the immediate supervisor or the Shift Supervisor. If the request is of an emergency nature, the deputy shall notify Central Dispatch before responding and thereafter notify a supervisor as soon as practicable.

412.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of the El Dorado County Sheriff's Office shall notify their supervisor or the Shift Sergeant at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify the Shift Sergeant as soon as practicable.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Division Commander.

Exception: Routine assistance to adjoining county agencies (Tahoma deputy assisting Placer County Sheriff's Office personnel in Tahoma and Homewood) requires notification to Central Dispatch only.

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the El Dorado County Sheriff's Office relating to immigration and interacting with federal immigration officials.

413.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

413.2 POLICY

It is the policy of the El Dorado County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

413.4 IMMIGRATION INQUIRIES PROHIBITED

Deputies shall not inquire into an individual’s immigration status for immigration enforcement purposes (Government Code § 7284.6).

413.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

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Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

413.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

413.5 DETENTIONS AND ARRESTS

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, they may arrest the individual for that offense (Government Code § 7284.6).

A deputy shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

A deputy should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

413.5.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Transfer the person to jail.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this office should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

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413.7 INFORMATION SHARING

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in office records

(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

413.7.1 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the El Dorado County Sheriff's Office intends to comply with the request (Government Code § 7283.1).

If the El Dorado County Sheriff's Office provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to their attorney or to one additional person who the individual may designate (Government Code § 7283.1).

413.7.2 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the El Dorado County Sheriff's Office shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with their attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

413.7.3 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

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413.7.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Records Supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records UnitPolicy).

413.7.5 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).

(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.

(c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

(e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

413.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Unit supervisor assigned to oversee the handling of any related case. The Investigations Unit supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    (a) The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

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(b) Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).

(c) Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).

(d) Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).

(e) Inform the victim liaison of any requests and their status.

413.8.1 REPORTING TO LEGISLATURE

The Records Supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

413.8.2 TIME FRAMES FOR COMPLETION

Deputies and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Deputies and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

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413.8.3 POLICE REPORTS
Upon request, the Records Unit should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

413.9 TRAINING

The Training Sergeant should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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Contacts and Temporary Detentions

414.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person’s freedom of movement.

414.2 POLICY

The El Dorado County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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414.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the El Dorado County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

414.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity known by the deputy

414.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single deputy.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

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(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

414.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

414.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

414.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

414.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the supervisor should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy (EDSO policy 442.)

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be uploaded to the associated report when necessary..

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Photo lineups shall be booked into property as evidence. Thereafter,

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the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

414.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

414.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by El Dorado County Sheriff's Office members.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Field Training Officer Program

415.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the El Dorado County Sheriff's Office.

It is the policy of this Office to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

415.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training, and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

415.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of three years of patrol experience, one of which shall be with this Office.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass an internal oral interview selection process.

(e) Evaluation by supervisors and current FTO's.

(f) Possess a POST Basic certificate.

415.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer’s Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

415.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

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(c) Review all trainee Daily Observation Reports.

(d) Maintain and ensure FTO/trainee performance evaluations are completed.

(e) Maintain, update and issue the Field Training Manual to each trainee.

(f) Monitor individual FTO performance.

(g) Monitor overall FTO Program.

(h) Maintain liaison with FTO coordinators of other agencies.

(i) Maintain liaison with academy staff on recruit performance during the academy.

(j) Develop ongoing training for FTOs.

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

415.4 TRAINEE DEFINED

Any entry level or lateral sheriff's deputy newly appointed to the El Dorado County Sheriff's Office who has successfully completed a POST approved Basic Academy.

415.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral deputy may be modified depending on the trainee’s demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

415.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of their Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the El Dorado County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. They shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the El Dorado County Sheriff's Office.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of their assigned trainee to the FTO Coordinator on a daily basis.

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(b) Review the Daily Observation Reports with their assigned trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on their assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

415.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

(a) Daily Observation Reports.

(b) End-of-phase evaluations.

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

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Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members with guidelines for handling aircraft accidents.Office

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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416.5 NOTIFICATIONS

When an aircraft accident is reported to this, the responding supervisor shall Office ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this Office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene Office supervisor should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

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(d) Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION

All aircraft accidents occurring within the County of El Dorado shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of EDSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of their observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Criminal Organizations

417.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the El Dorado County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

417.2 POLICY

The El Dorado County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

417.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

417.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any supporting documentation for an entry shall be retained by the Records Unit in accordance with

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the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

417.3.2 GANG DATABASES

The Sheriff may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Office, the basis for that designation, and the name of the agency that made the designation. The Office shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the office's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Unit after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Unit supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

417.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

417.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible office supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Unit or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Central Dispatch records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

417.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

417.5 INFORMATION RECOGNITION

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

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(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

417.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance (EDSO policy 809) and Release Policy (EDSO policy 810.)

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

417.7 CRIMINAL STREET GANGS

The Operations Division should ensure that there are an appropriate number of office members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

417.8 TRAINING

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

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(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

417.8.1 SHARED GANG DATABASE TRAINING

The Training Sergeant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Office (Penal Code § 186.36; 11 CCR 751.6).

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Sheriff's Responsibilities - Major Fires

418.1 PURPOSE AND SCOPE

The purpose of this policy is to define the role of the Sheriff's Office at the scene of major fires within the County area. It is emphasized that this policy is not intended in any way to infringe on the areas of responsibility of the various fire departments. The timely arrival of a Sheriff's unit is to:

(a) Provide an on-scene emergency responder at the earliest possible time since the Sheriff's unit may be more proximate to the fire scene than the fire department.

(b) Provide the earliest opportunity for the Sheriff's Office to exercise its areas of jurisdiction as set forth below.

418.2 OVERALL SHERIFF'S OFFICE RESPONSIBILITIES

The following are the responsibilities of the Sheriff's Office at the fire scene:

(a) CROWD CONTROL: Crowd and spectator control at the fire scene is the responsibility of the Sheriff's Office by the enforcement authority of Penal Code § 409.5.

(b) TRAFFIC CONTROL: Traffic control will normally be referred to the California Highway Patrol. However, if the California Highway Patrol is not on-scene or does not have sufficient units available for the commitment, the Sheriff's Office may provide traffic control as requested or as necessary.

(c) EVACUATION: The Sheriff's Office is the scene manager for evacuations. Though the first priority of the fire department is fire suppression, fire department personnel, if available, may assist in evacuation if necessary. The Sheriff's Office has authority to close an area and compel evacuation via Penal Code § 409.5. Under this same Section, the Sheriff's Office may arrest unauthorized persons who enter an area closed due to disaster.

(d) PRE-EVACUATION WARNINGS ASSISTANCE: the Sheriff's Office assumes this responsibility since it closely coincides with evacuations and is consistent with the authority set forth in Penal Code § 409.5. Fire departments can assist in public warnings if pre-evacuations are requested or as necessary.

418.3 DECISION TO EVACUATE

No specific or single agency has the legislated responsibility to make the decision to evacuate. It is anticipated that under the incident command system concept of unified command that such a decision will be arrived at through the utilization of the expertise of the agency representatives present at the Command Post site. In a situation in which the Sheriff is Incident Commander (such as a barricaded suspect situation), the decision will rest entirely within the scope of the Sheriff's Office authority. In a situation in which the Sheriff is not the Incident Commander the final decision to evacuate will come from the Incident Commander. Once such a decision is made, the Sheriff's Office assumes full authority and responsibility to implement evacuation.

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418.3.1 NOTIFICATION

As soon as the probability of evacuation arises, the following are to be contacted to respond to the scene: the on-duty Patrol Sergeant, OES and the Patrol Lieutenant and/or the Patrol Captain. Immediately following the above notifications, the Undersheriff and Sheriff are to be notified. These notifications are to be made at the point where it is decided to warn residents of the possibility of evacuation.

418.3.2 CLASSIFICATIONS OF EVACUATION

For the purpose of the Sheriff's Office, evacuations shall be divided into two stages:

(a) EVACUATION WARNING: (a voluntary / precautionary evacuation) In this situation a warning is given to persons within the affected area that a threat of life and property exists. Persons issued this type of warning are not required to evacuate.

(b) EVACUATION ORDER: (a mandatory evacuation) A warning is given to persons within the affected area that an imminent threat to life and property exists. Persons issued this type of order must evacuate in accordance with the directions of the on-scene deputies.

1. A deputy's judgment might be questioned if an attempt was made to "force" an occupant from their residence when, after being notified, they stated that they wished to remain and protect their property. Additional verbal persuasion should be employed when a life-endangering situation is imminent. If this fails, an "Evacuation Refusal Form" can be filled out by the deputy and a copy given to the resident. In extreme cases, sufficient legal authority exists under Penal Code § 148 to make an arrest, however, extreme caution must be exercised in utilizing this method of removal.

2. NOTE OF CAUTION: Although we want to give ourselves as much lead-time as possible to carry out our mission, premature evacuations are not the answer. Therefore, the situation must be carefully assessed using all available resources.

418.3.3 PRELIMINARY EVACUATION FACTORS

Prior to the announcement of the decision to evacuate, either an evacuation warning or an evacuation order, the following issues must be anticipated and determined to the maximum extent possible:

(a) The area to be evacuated based on the incident conditions.

(b) Available evacuation routes.

(c) The available means of notification.

(d) The personnel available to carry out the evacuation.

(e) The time available.

(f) Location of temporary evacuation points / shelters (Contact Office of Emergency Services for the evacuation point location(s)).

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418.3.4 PROCEDURES

The Sheriff's Office member designated as Law Branch is responsible for the accomplishment of the following objectives:

(a) A situation estimate. In incidents in which the Sheriff's Office is not the Incident Commander, this estimate will, if necessary, have to come from the Incident Commander.

(b) Establishment and maintenance of a perimeter around the affected area.

(c) Door-to-door communication to persons within the affected area warning them to leave and giving the location of evacuation center(s).

(d) Interior patrol of the evacuated area, if appropriate.

(e) Additional Office personnel and resources needed at the scene.

(f) Location of the "staging area" for Office personnel.

(g) Location of Command Post and radio designation of the Command Post as well as the scene deputies.

1. Even though a Command Post may already have been established, it may prove advantageous to respond the Sheriff's mobile Command Post to the scene, especially if the incident has potential for a lengthy duration.

NOTE: Law Branch Director. Normally this will be a Sergeant or patrol deputy, however, in an incident of major magnitude this may be OES or another sworn member of the Sheriff's Office. The Sheriff's Law Branch Incident Commander or agency representative should remain with the Command Post.

418.3.5 SPECIFIC EVACUATION PROCEDURES

The area to be evacuated shall be divided into sectors. Deputies shall be assigned to evacuate specific sectors, beginning closest to the incident and moving outward from it.

(a) Use door knocks as a primary notification if possible. Sirens and emergency alerting systems may also be used as appropriate.

(b) Maintain a record of each contact and/or no answer. Ask neighbors about any deaf, infirm or invalid person who may not have responded to a door knock.

(c) Advise residents of the type of evacuation (warning / order).

(d) Advise residents of the best available routes out of the area.

(e) Advise residents of the location of the temporary evacuation point(s), if known.

(f) Advise residents of the time remaining before the situation becomes critical and the estimated duration of the emergency if known or can be reasonable estimated.

418.3.6 POST EVACUATION PROCEDURES

Once the evacuation has been completed, the member designated as law branch shall take the appropriate action to close the area:

(a) No access. Prohibits unauthorized persons into the closed area.

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(b) Limited access. Allows persons into the closed area according to criteria established by the Incident Commander such as:

1. Residents with valid identification indicating residency in the affected area.
2. Public utility employees.
3. Owners, managers, and/or employees of businesses within the closed area.
4. Those with an approved access pass (e.g. agriculture / livestock).

Generally there is not authority to prohibit media with valid identification from entering a closed area. They should be warned of the danger and allowed to proceed.

418.4 COMMUNICATION

If possible, secondary frequencies and/or CLEMARS can be utilized during evacuation operations.

418.5 ARSON INVESTIGATION

The Sheriff's Office will initiate the appropriate report and investigation when fire personnel have determined that the cause of a fire is arson. Follow-up investigation will be handled by the appropriate Sheriff, CDF, USFS and/or fire department arson investigators.

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Central Dispatch Policy

419.1 PURPOSE AND SCOPE

The primary responsibility of Central Dispatch is to receive information and dispatch calls for service. Part of that responsibility includes tracking all available personnel and acting as a resource for the office and the community.

419.2 PROCEDURE

All Office personnel, both on- and off-duty, will limit their phone calls to Central Dispatch when possible. On-duty personnel should attempt to handle business related information and status changes over the radio or via RIMS when possible. Absent extenuating circumstances or tactical considerations, the following are not acceptable reasons to call Central Dispatch and interfere with their primary responsibilities.

(a) Question why they are being sent to a particular call.

(b) Inquire or comment on a dispatcher's performance.

(c) Request dispatchers to make calls or confirm information on non-priority calls when personnel are not on scene and/or are available and able to complete the inquiries themselves.

Should on-duty personnel need to call dispatch on the phone, there may not be a need to speak with the dispatcher assigned to a particular frequency. Doing so may take that dispatcher away from their primary responsibility.

Off-duty personnel should not call Central Dispatch to obtain personal phone numbers or inquire about incidents in which they do not have an immediate business necessity to be involved.

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Mobile Audio Video Procedure

420.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office has equipped marked patrol units with a Mobile Audio & Video (MAV) recording system. The MAV is designed to assist and compliment patrol deputies in the performance of his/her duties. The MAV is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the deputy's report. The MAV is designed to capture video and audio best when within sight of the cameras mounted in the patrol unit. The MAV microphone has a limited range and reduced quality as the distance from the vehicle increases. Audio recording when out of sight (range) of the MAV should be accomplished by using the department issued handheld digital audio recorder.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system- Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

420.2 DEPUTY RESPONSIBILITIES

Deputies shall test the MAV system at the start of each shift.

Deputies shall report any malfunction of the MAV by ensuring the unit is written up for repairs.

420.3 DEPUTY RESPONSIBILITIES

The system is designed to activate when the unit's emergency lights are activated, at excessive speed, as a result of a crash and manual activation.

420.3.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation where the system may be used however here are many situations where the use of the MAV system is appropriate. In addition to the required situations, deputies may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. The activation of the MAV system is required in any of the following situations:

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(a) All field contacts involving actual or potential criminal conduct, within visual range of the MAV, which includes:

1. Vehicular pursuits
2. Suspicious vehicles
3. Arrests
4. Pedestrian checks
5. DUI investigations including field sobriety tests
6. Consensual encounters
7. Responding to an in-progress call to include any and all CODE 3 driving

(b) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, and is within visual range of the MAV such as:

1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(c) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(d) Any other circumstances where the deputy believes that a recording of an incident would be appropriate

Once the MAV system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive or when the deputy has a reasonable belief that continued recording will not yield any video or audio of evidentiary value.

420.3.2 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service, or actively on patrol.

Absent legal cause or lawful order, no member of this department may surreptitiously record any other member of this department without the expressed knowledge and consent of all parties.

420.4 ACTIVATION OF THE MAV

Recordings may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of deputy conduct

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(b) By a department detective after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(c) By department personnel to review their own recordings for official purposes.

(d) By court personnel through proper process or with permission of the Sheriff or his/her designee

(e) By media personnel with permission of the Sheriff or his/her designee

(f) Recordings may be shown for the purposes of training value. If an involved deputy objects to the showing of recording, his/her objection will be submitted to staff to determine if the training value outweighs the deputy's objection for not showing the recording.

Employees desiring to view any MAV recording (excluding their own as described in "c" above) shall submit a request in writing to the Shift Sergeant.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

420.5 REVIEW OF MAV RECORDINGS

Any incident that was recorded with either the video or audio system, and is determined by the deputy to have evidentiary value, shall be documented in the deputy's report accompanied with a property record. The deputy shall mark the evidence box and record the case number on the video's incident page.

If a citation was issued, a notation shall be made on the video indicating the citation number or case number corresponding to the event.

420.6 DOCUMENTING MAV USE

All "routinely recorded" video data (Govt. Code section 26202.3) is stored in a secure file system and is confidential. All video recordings not booked in as evidence will be retained for a minimum of two years after which time they will be erased.

420.6.1 COPIES OF VIDEO RECORDINGS

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 446.4.

Original video recording media may only be released in response to a valid court order or upon approval by the Sheriff or his/her designee.

420.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of two

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years after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

420.7.1 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the El Dorado County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved by marking the evidence check box corresponding with the video.

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Mobile Digital Computer Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth standardized procedures and guidelines for users of Mobile Digital Computer's (MDCs). The MDC accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

421.2 MDC USE

The MDC shall be used for official Sheriff's Office purposes only. MDC use is subject to the office Information Technology Use policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

421.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

421.2.2 DOCUMENTATION OF ACTIVITY

Mobile RIMS via the MDC and voice transmissions via the radio are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice transmission, it shall be entered into RIMS by a dispatcher.

421.2.3 STATUS CHANGES

A change in status function is available on the MDC via mobile RIMS and allows a deputy to change their status silently without using air time on the radio. The changes performed prior to clearing an incident will be linked and tracked as part of the incident documentation. If the transportation of a subject of the opposite sex is entered manually into mobile RIMS via the MDC, the beginning and ending mileages should also be documented.

Code 3 notification is available to members on the MDC via mobile RIMS. The purpose of this feature is to allow units to silently put themselves enroute Code 3 to calls for service, or reduce Code 3 responses, without using air time on the radio. Refer to the Deputy Response to Calls policy and the Mobile RIMS System operations manual procedure.

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All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the sheriff's radio or through the MDC system via mobile RIMS.

421.3 MDC CONSIDERATIONS

421.3.1 NON-FUNCTIONING MDC

Whenever possible, deputies should not use vehicles with malfunctioning MDCs. Whenever deputies must drive a vehicle in which the MDC is not working, they shall notify Central Dispatch. It shall be the responsibility of Central Dispatch to record all information that will then be transmitted verbally over the Sheriff's Office radio.

421.3.2 RESPONDING TO BOMB RELATED CALLS FOR SERVICE

When responding to scenes in proximity to possible bombs or explosive devices, deputies should consider turning off their MDCs and other electronic equipment depending on the circumstances and proximity to the suspected or alleged explosive device. Refer to the Response to Bomb Calls policy.

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Body Worn Cameras (BWC)

422.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of Body Worn Cameras (BWC) by members of the El Dorado County Sheriff's Office while in the performance of their duties.

This policy does not apply to in car audio/video recordings, use of audio recorders, interviews or interrogations conducted at any El Dorado County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

422.2 POLICY

The El Dorado County Sheriff's Office will provide members with body worn cameras for use during the performance of their duties. For the sake of this policy, the term member shall refer to sworn deputies and sergeants assigned to the Support Services and Operations Divisions and to non-sworn sheriff security officers assigned to the Operations Division of the El Dorado County Sheriff's Office.

While recordings obtained from BWCs provide a more objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual member in each incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Specifically, it is understood that the BWC will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video. All members who are authorized to use a body worn camera shall be provided training prior to its use.

The El Dorado County Sheriff's Office has equipped marked patrol units with an In Car Video (ICV) recording system. Body-worn camera (BWC) systems work in conjunction with the ICV recording systems. The ICV/BWC systems are used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the deputy's report. The ICV is designed to capture video within sight of the patrol vehicle camera and audio within the patrol vehicle. Audio/video recording when out of sight (range) of the ICV will be accomplished by using the Office-issued BWC.

422.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any Office-issued device at any time, and any recording made while acting in an official capacity for this Office, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

422.4 MEMBER RESPONSIBILITIES

All sworn deputies, sergeants, and non-sworn sheriff security officers who have been issued a body worn camera as part of their duty assignment shall wear the BWC while on duty. Cameras may only be worn on the support side upper quadrant or center of chest with Office-authorized mounting systems. Members shall check the position of the camera mount as needed during each

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shift to ensure the camera position is maintained to facilitate optimum recording. Members will make every reasonable attempt to keep the camera view free from obstruction. All members in uniform, working special events (concerts, fair, festivals, parades, etc.) shall wear a BWC and comply with the provisions of this policy.

Members will inspect the BWC system for any physical damage and to ensure the device is in working order at the beginning of their shift. Any malfunctions, missing equipment or damage shall be immediately reported to their supervisor. Members shall document the malfunctioning/ damaged BWC on the equipment damage log in the RIMS system so the BWC can be repaired or replaced as soon as reasonably possible. The member's supervisor will follow up and coordinate to ensure the member goes into service with a repaired or replacement BWC in a timely manner.

Members shall document the existence of a recording in any report or other official record of the contact (i.e. CAD), including any instance where the recorder malfunctioned, the member deactivated the recording, or failed to activate the BWC. Members shall include the reason for deactivation. The presence of a video recording is not a justification for a less detailed report or written documentation.

In cases where a member fails to activate their BWC as required by policy, the member shall notify their supervisor of the occurrence and the reason why as soon as they realize the failed activation. The supervisor will note the failed activation in the member's evaluation file. Repeated occurrences of members failing to activate or deactivate their BWC per policy may result in disciplinary action.

422.4.1 INVESTIGATIVE AND PLAIN CLOTHES UNITS

Deputies assigned to investigative and plain clothes units shall wear a body worn camera when directed by their supervisor or when they are clearly identifiable as a peace officer and taking law enforcement action. Examples include, but are not limited to, warrant services, suspect field contacts, patrol assists, and other situations where a member reasonably believes they may affect an arrest, detention, or take enforcement action.

422.5 ACTIVATION OF THE BODY WORN CAMERA

The activation policy applies to all members who are assigned and expected to utilize BWC cameras in the performance of their duties. This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Members shall activate the BWC any time the member believes it would be appropriate or valuable to record an incident. At no time should a member jeopardize their safety, or the safety of any other member, in order to activate a camera. Upon activation of the BWC, the BWC will record 30 seconds of video prior to the audio recording starting.

Absent extenuating circumstances, the BWC shall be activated immediately in any of the following situations:

(a) Arrests and detentions, or situations where a member reasonably believes they will effect an arrest or detention (to include traffic stops and consensual encounters made with the intent to develop reasonable suspicion to detain).

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(b) Assisting in an arrest or detention situation.

(c) Barricaded subjects.

(d) Arrest and Search Warrant services.

(e) During all canine deployments to include audible canine deployment warnings.

(f) Transporting detainees/arrestees to jail, locations to be interviewed, and in field showups.

(g) Inmate transports to medical and/or other facilities as requested by the Custody Division.

(h) Transportation of victims, witnesses, and other persons to include courtesy transports.

(i) All SWAT deployments, whether a preplanned mission or a spontaneous callout.

(j) Confrontational interactions with citizens.

(k) Vehicle and foot pursuits.

(l) Domestic Violence calls.

(m) Incidents involving violence or weapons.

(n) Forced entries and warrantless searches (including vehicles).

(o) Suspect interviews in the field (including Miranda advisement) and generally, interviews of victims and witnesses.

(p) Eyewitness identification(s).

(q) When loading, unloading, or transporting civilians in Office vehicles.

(r) Code 3 driving.

If the activation criteria listed in 423.5 is met, the member shall activate their camera upon arriving to the call and prior to exiting their vehicle. When a member is unable to activate their camera at the beginning of the event or contact, and a case number is drawn, they shall document the reason for non-activation in their incident report. If a case number is not drawn, the member shall document the reason for non-activation in the incident notes in RIMS, either manually or communicated through dispatch. The documentation should also explain the reason the camera was activated at the time it was.

Members may use discretion when deciding whether to advise a citizen they are being recorded. Members should not cease recording solely based on the request or demand of a citizen.

Activation of the BWC system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service, or actively on patrol.

422.5.1 DEACTIVATION

Once activated, the BWC will remain on continuously until the member's participation in the incident is complete and the call is cleared via radio or on CAD. For purposes of this section, the conclusion of an incident has occurred when all arrests have been made, arrestees have been

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transported, and all witnesses, victims, etc. have been interviewed. The following are exceptions for camera deactivation prior to the conclusion of the event.

(a) The incident has concluded or your involvement is cancelled prior to the arrival of the member.

(b) When the member arrives at any detention facility; they may deactivate recording upon walking the prisoner into the correctional facility.

(c) A citizen with legal standing has requested the member stop recording within their residence and the member's presence is not pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is not necessary.

(d) Any exception otherwise noted in this policy.

(e) Recording may be stopped during significant periods of inactivity such as report writing or other breaks during the incident.

(f) Expressed and documented permission from a supervisor.

The following is the exception for temporary deactivation of the BWC audio only:

(a) Field Training Officer and Deputy Sheriff Trainee communications:

FTOs and trainees may temporarily press and hold the audio mute button of their BWC while discussing training points including but not limited to: response tactics, establishing probable cause, instructing investigative steps, performance critiquing, urgent communications related to officer safety, and other officer training topics. When those sensitive communications have ended the BWC audio mute button shall be released to continue audio recording.

In an event where video or audio recording is temporarily deactivated, the member shall articulate the reason verbally prior to stopping the recording and resume the recording as soon as possible. The stoppage shall also be documented in any subsequent report. This does not apply to the temporary muting of BWC audio by a Field Training Officer or a Deputy Sheriff Trainee.

Note: If the in-car video camera, (ICV), is deactivated the BWC will be deactivated if it is within operational range. If the BWC is deactivated it will deactivate the ICV if it is within operational range.

422.6 BWC USE IN EL DORADO COUNTY COURTS

Pursuant to California Rules of Court, rule 1.150(a) and local rule 2.00.17, authorizes law enforcement personnel to activate their BWC to record law enforcement activities inside the courthouse and courtrooms. These activities would be defined as the following:

(a) Conducting or assisting with an arrest or detention

(b) Interacting with an individual who is not complying with law enforcement commands or the order of a judicial officer.

(c) Responding to an emergency

(d) Prior authorization to record has been granted by the Presiding Judge.

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Being present in a courtroom as a witness or as the case agent does not justify the use of a BWC in court. Outside of the rules of the order of the court, law enforcement officers are prohibited from creating BWC recordings in a courthouse.

422.7 SPECIAL CIRCUMSTANCES

Members shall remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that the need for such privacy may outweigh any clearly articulable law enforcement interest. Requests by members of the public to stop recording should be considered using this same criterion, but members are not required to terminate a recording based solely on a request. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

Further consideration to terminate recording should be given to the following circumstances:

(a) Hospital or Medical Facilities - Members should be aware of patients' rights to privacy when in hospital and medical settings. Members shall not record patients during medical or psychological evaluations by a clinician or similar medical professional, or during medical treatment, even if directed to do so by medical staff, unless the member believes BWC activation criteria in 423.5 is met. When recording in hospitals and other medical facilities, members shall be careful to avoid recording persons other than the suspect.

(b) Privileged Communications - Members shall not record privileged communications which are protected by California Evidence Code section 900 et seq unless such privilege is explicitly waived. This includes the attorney-client, physician-patient, psychotherapist-patient, and clergy-penitent privileges.

(c) Informal Community Interactions (Public Encounters) - Informal community interactions differ from "consensual encounters" members may make to develop reasonable suspicion to detain or probable cause for arrest. To strengthen relationships between police and citizens, members may use discretion regarding the recording of informal, non-enforcement related interactions with members of the community which may be considered, an extenuating circumstance as described above. In the event a public encounter becomes investigative, adversarial, or turns into a situation where enforcement is possible, members shall activate their BWC if they can do so without compromising their safety or the safety of others.

(d) Private Residences (including locations and areas not accessible without a warrant or warrant exception) - Private citizens have a reasonable expectation of privacy and guarantee against the unreasonable search and seizure of their persons, houses, papers, and effects as provided in the United States and California constitutions. Unless subject to the conditions in section 423.7 (e) 1 and 2, members shall record video of otherwise protected places and things during the course of their official duties when they are lawfully present in any location by consent, warrant, exigent circumstances, or other recognized warrant exception. Members may also record anything that is within plain view of any location from which the member is lawfully present.

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(e) Victims and Witnesses of Crime - Absent extenuating circumstances, members shall record interviews of crime victims and witnesses. When a victim or witness requests they not be recorded, or refuse to provide a statement if recorded, members may consider their request. In cases where a victim or witness requests they not be recorded, and the member agrees not to record, members shall record their request prior to turning the body worn camera off.

1. Witnesses - In the event a crime witness, or a member of the community wishes to report or discuss criminal activity anonymously, members have the discretion to not record.
2. Victims - Members shall record interviews of crime victims, unless otherwise requested by the victim. Upon request by the victim, members have the discretion to not record the interview. Members should offer to avert their camera to capture only audio during the interview, when doing so would facilitate obtaining the victim's recorded statement.
    (a) Domestic Violence Victims - Members shall record interviews of domestic violence victims to facilitate future prosecution efforts and discourage later recanting of statements.
    (b) Child Abuse and Sexual Assault Victims - Members should not video record interviews of victims, witnesses, or parents of child abuse or sexual assault during field investigations.

422.8 SURREPTITIOUS USE OF THE BODY WORN CAMERA

Deputies, Sergeants, and Sheriff Security Officers of the El Dorado County Sheriff's Office may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

422.9 EXPLOSIVE DEVICE

Many portable devices, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used within a 300-foot radius where an explosive device may be present (EDSO Response to Bomb Call Policy).

422.10 PROHIBITED USE

BWCs shall not be used to record non-work-related personal activity. BWCs will not be activated in places where a reasonable expectation of privacy exists, such as workplace locker rooms, dressing rooms, or restrooms. Members are prohibited from using personally owned recording devices while on duty. Members shall not surreptitiously record another Office member without a court order unless lawfully authorized by the sheriff or their authorized designee.

(a) Members shall not record undercover deputies or confidential informants, absent supervisor approval under limited circumstances.

(b) Investigative briefings without supervisor approval.

(c) Office meetings, workgroups, and in-service training.

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Members shall not obtain, convert, delete, or tamper with any Office digital file(s) obtained during the course and scope of their duties for personal use. The following are specifically prohibited:

(a) Personal copies of Office digital file(s).

(b) Re-recording of Office digital file(s) with other devices.

(c) Posting any Office digital file(s) on any website/social media site, or

(d) Posting of any Office digital file(s) on any Office-sponsored site without express permission from the Sheriff or their designee.

Any El Dorado County Sheriff's Office BWC file shall not be shared by any process except for official purposes and only by personnel who have been authorized by the Sheriff or their designee.

Recordings shall not be used by any member for the purpose of embarrassment, harassment, or ridicule of citizens, victims, or members of this Office.

422.11 VIDEO CLASSIFICATION, RETENTION, AND UPLOADING

Members shall be responsible for properly categorizing and uploading body worn camera video prior to the end of their shift. BWC video shall be classified as either EVIDENCE or NON-EVIDENCE. A report or citation number shall be included in the notes section when applicable. Videos marked as evidence will be retained for a minimum of two years, or until the criminal case is closed, or final disposition of any pending legal action or litigation, or otherwise determined to be obsolete. Videos marked as non-evidence will be discarded after thirteen months. Records or logs of access and deletion of recordings shall be retained permanently. (Penal Code § 832.18)

Video shall be uploaded to the Evidence Library server via docking stations located at designated areas throughout the El Dorado County Sheriff's Office; to include the Placerville Office, both jails, and the South Lake Tahoe Office. Members should review the BWC video prior to marking "BWC Activated" in CAD to ensure the BWC event was captured.

422.12 REVIEW OF RECORDED MEDIA FILES

All access and activity on the Evidence Library storage server is logged and subject to audit at any time. Access to Evidence Library and the data stored in the system is permitted on a right to know, need to know basis. Authorized personnel in the categories listed below may view video data according to the provisions of this policy and as designated by the Sheriff or their designee.

BWC video can only be viewed on a mobile data terminal in patrol cars, and on computer workstations. Once uploaded to Evidence Library, authorized personnel may view BWC recordings on an Office computer by logging into the Evidence Library system.

(a) Member Access- Members may view their own BWC recordings as they relate to:

1. Their involvement in an incident for the purposes of completing an investigation and preparing official reports. To help ensure accuracy and consistency, members are encouraged to review the BWC recording prior to preparing reports.

2. Prior to court to refresh recollection.

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3. Prior to providing a statement pursuant to an internal investigation, including officer involved shooting investigations and other critical incidents. NOTE: Following an officer involved shooting or other critical incident, involved personnel shall not view their BWC recording on any device or computer prior to the BWC recording being uploaded into Evidence Library by the Critical Incident Response Team.
4. Members are permitted to view each other's recordings when each was involved in an incident and review of the recordings will aid in the accurate completion of subsequent reports.
5. When working in a two-person assignment, such as an FTO with a trainee, members may view the recording of their partner to evaluate performance or for the purposes of completing an investigation or preparing official reports.

(b) Supervisor Access - Supervisors are authorized to view BWC recordings from personnel under their supervision in the following instances:

1. To ensure compliance with this policy.
2. Supervisory investigation following the application of reportable use of force, (except use of deadly force), or a pursuit. Supervisors will ensure that they document their review of the BWC video in the narrative of their investigative comments. Supervisors will ensure the video is labeled and categorized.
3. Supervisory response to a citizen complaint. Supervisors will handle receipt of complaints in accordance with the EDSO Personnel Complaint Policy. Supervisors may access the video on scene through any mobile data terminal. Review of the recording will not happen in the presence of the complainant. If the allegation appears to be valid, the supervisor will notate in the narrative of the statement of complaint that BWC video is available, was reviewed, and is one of the justifications for the statement of complaint.
4. During the course of an internal investigation.
5. To monitor general performance of members under their supervision. To assist in appropriately addressing a clearly documented performance issue. In such cases the supervisor will discuss the issue with the supervising Lieutenant, who will review the circumstances and, if appropriate, retrieve the video from Evidence Library and forward it to the Division Commander to initiate a remedial training plan.
6. Supervisors shall review BWC recordings of their personnel at least three times in a six-month rotation, to document performance and contact between members and the public. Supervisors shall document these periodic reviews in the member's evaluation file.
    (a) Supervisors shall document these periodic reviews.
    (b) If no bias is noted, the supervisor shall place a note in the employee's eval file noting the review was completed and no bias was noted.

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(c) Recordings or data that capture a potential instance of bias-based policing shall be appropriately retained for administrative investigation purposes.

(d) Supervisors shall initiate investigations of any actual or alleged violations of this policy by submitting a memo up their chain of command.

(e) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this Office who discloses information concerning bias-based policing.

(c) Detective Access- Personnel assigned to criminal investigative units may view BWC recordings as part of their review or investigation of an incident.

(d) Professional Standards**-** BWC recordings will be administratively reviewed and used during administrative investigations related to use of force, officer involved shootings, internal and external complaints, pursuits, and in other circumstances of alleged misconduct. Furthermore, the Support Services Division will also review BWC recordings to help identify areas of improvement in officer safety and critical incident response.

422.13 CRITICAL INCIDENTS

The El Dorado County Sheriff's Office acknowledges that recordings taken during critical incidents obtained from video recorders do not necessarily reflect the full extent of the nature of the event or the experience, analysis, training, threat assessment or state of mind of the individual member(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved member and that members may see and hear events that are not captured by the camera.

Members involved in critical incidents shall notify the responding supervisor of any related recordings. If a public safety statement is obtained from the involved member, that statement shall be done on recording.In the event a critical incident is recorded, and the scene is secure, a member of the Critical Incident Response Team shall secure the recording device as soon as possible, ensure the recording has stopped, power off the camera and maintain chain of custody. Investigators from the Critical Incident Response Team shall coordinate the upload or electronic transfer, minimizing those involved with the chain of custody.

Members, either as a subject or witness, who are involved in critical incident will be permitted to review their recordings prior to providing a statement or written report. This will be done once the member has left the scene and is back at their duty station and after the Critical Incident Response Team has uploaded the BWC recording into the Evidence Library appropriately.

422.14 SUPERVISOR RESPONSIBILITIES

(a) Ensure all members assigned BWCs utilize the cameras in accordance with this policy and have completed Office required training.

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(b) Ensure any malfunction or damage to a BWC unit is addressed without delay.

(c) Ensure the BWC is written up for repairs and the member goes back into service with a repaired or replacement BWC in a timely manner.

(d) Ensure all members upload all BWC recordings in a timely manner.

(e) Access BWC recordings during the course of their duties in accordance with the provisions of this policy.

422.15 RELEASE OF OFFICIAL VIDEO TO THIRD PARTIES

The release of video captured by the BWC camera to any third party will be processed in a manner consistent with applicable law, current discovery request practices and the EDSO Records Maintenance and Release policy. Requests are received through electronic submission, personal, or written requests. A response will be sent to the requestor within 10 days of receipt of the request. Requests for video will be directed to the agency BWC coordinator. The BWC coordinator will review any applicable video for content and prepare the video for release, including redactions. The video may be released upon approval from the Division Commander or their designee.No member is authorized to allow viewing of any BWC video to anyone in the field unless they are a member of this Office. Video captured by the BWC shall not be released to third parties unless expressly authorized by the Sheriff, or designee. In rare circumstances, the Sheriff may elect to release video when the public interest served by the disclosure of the video outweighs the public interest served by the non-disclosure of the video.

When considering whether disclosure is warranted, the agency will balance the privacy rights and impacts of the disclosure on the involved individual member(s). Should the Sheriff or their designee determine that disclosure is necessary, they should provide as much advanced notice as practical to those involved member(s).

When criminal charges are being sought in a case, all related recordings will be provided to the District Attorney's (DA's) Office. Once requested by the prosecutor, recordings are provided via electronic interface through the El Dorado County Sheriff's Office Property Section.

In special circumstances and/or in time sensitive cases, BWC footage may be released to allied law enforcement agencies. Any releases will be reviewed for content and prepared for release to include any applicable redactions. These releases will be authorized by the Sheriff, or designee.

The El Dorado County Sheriff's Office shall adhere to the guidelines set forth in Government Code § 7920.000 et. seq. related to releasing BWC recordings from a critical incident. However, the Sheriff in consultation with County Counsel may release video earlier if it's found to be in the best interest of the community or the Office.

422.16 COORDINATOR RESPONSIBILITIES

The Sheriff or their authorized designee shall appoint a member of the Office to coordinate the use and maintenance of body worn cameras and the storage of recordings, (Penal Code § 832.18):

The BWC Coordinator's responsibilities include but are not limited to:

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(a) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(b) Maintaining logs of access and deletions of recordings.

(c) Assessment and recommendations for modifications of policies, procedures, and practices associated with video recording.

(d) Review and preparation of BWC recordings prior to a public release.

(e) Downloading of BWC recordings identified for Office training purposes.

422.17 IT UNIT RESPONSIBILITIES

The Sheriff or their authorized designee shall appoint a member of the Office to coordinate the use and maintenance of body worn cameras and the storage of recordings, (Penal Code § 832.18):

The IT Unit's responsibilities include but are not limited to:

(a) Maintain systems for tagging and categorizing data according to the type of incident captured.

(b) Maintain systems for downloading, storing and security of recordings.

(c) Designating persons responsible for downloading recorded data.

(d) Maintain systems to prevent tampering, deleting, and copying recordings and ensure chain of custody integrity.

(e) Maintain maintenance systems to ensure availability of operable body worn cameras.

(f) Ongoing system evaluation to occur at least once per year.

(g) Provide content and coordinate all BWC training with the Training Unit.

422.18 TRAINING

All members who are authorized to use body worn cameras shall be provided training prior to its use. All training related to body worn cameras will be coordinated, developed, and conducted by the Support Services Division. The IT Unit will provide the content for BWC trainings, and the Training Unit will coordinate, schedule, document, and maintain all training records.

At minimum, training will include review of the BWC policy, use of the BWC, uploading, and reviewing video.

In instances where a member or supervisor feels a BWC recording contains material that is beneficial for Office training purposes, the recording may be used only after approval from the involved members and the Division Commander. The Sheriff or their designee have the ultimate discretion if a contested video is to be used for Office training purposes.

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Use of Audio Recording Devices

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of audio recording devices by members of this Office while in the performance of their duties. This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see the Mobile Audio Video Policy and the Body Worn Camera Policy).

423.2 UNIFORMED DEPUTY RESPONSIBILITIES

Prior to going into service, each uniformed deputy will be responsible for making sure that they are equipped with a device capable of audio recording (other than the in-car camera or a body-worn camera) and that the device is in good working order.

423.3 NON-UNIFORMED DEPUTY RESPONSIBILITIES

Any deputy assigned to non-uniformed positions may carry an audio recorder at any time the deputy believes that such a device may be beneficial to the situation. At the beginning of any recording, the deputy shoulddictate their name, badge number and the current date and time. At the conclusion of the date or particular shift, the deputy shouldrecord the ending date and time. Each deputy shall be responsible for maintaining their own recordings until the media has been uploaded.

423.4 MEMBER RESPONSIBILITIES

Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

(a) No member of this Office may surreptitiously record a conversation of any other member of this Office without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with a deputy's right to openly record any interrogation pursuant to Government Code § 3303(g).

(b) Any member of this Office may surreptitiously record any conversation during the course of a criminal investigation in which the deputy reasonably believes that such a recording will be beneficial to the investigation.

1. For the purpose of this policy, any deputy contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.

2. For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed deputy wearing a conspicuously mounted audio recorder will have knowledge that such a contact is being recorded.

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(c) Members of the Office are encouraged to activate their recorders at any time that the deputy reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit.

1. At no time should a deputy jeopardize their safety in order to activate a recorder.
2. Members are prohibited from utilizing Office recorders for personal use.
3. Members shall not substitute an audio recording device with the in-car camera or body worn camera systems.

423.5 ACTIVATION OF THE AUDIO RECORDER

At any time that a deputy records any portion of a contact which the deputy reasonably believes constitutes evidence in a criminal case; the deputy shall book the recording into evidence in accordance with current procedure for storing digital files.

(a) The deputy shall further note in any related report that the recording has been placed into evidence.

(b) Recordings booked into evidence shall be retained in accordance with retention policies.

423.6 PERMITTED REVIEW OF AUDIO RECORDINGS

Audio recordings may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of deputy misconduct

(b) Upon approval by a supervisor, any member of the Office who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation.

(c) By the personnel who originally recorded the incident.

(d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case.

(e) By media personnel with permission of the Sheriff or authorized designee.

423.7 REVIEW OF RECORDED AUDIO

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

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(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Sheriff or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

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Foot Pursuits

424.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

424.2 POLICY

It is the policy of this Office that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to Office members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

424.3 DECISION TO PURSUE

The safety of members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies Office must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Office members.

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place Office members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

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[redacted]

424.4 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory

(b) The deputy is acting alone.

(c) Two or more deputies become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The deputy is unsure of their location and direction of travel.

(e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.

(f) The physical condition of the deputy renders them incapable of controlling the suspect if apprehended.

(g) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.

(j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.

(k) The deputy loses possession of their firearm or other essential equipment.

(l) The deputy or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Office members or the public if the suspect is not immediately apprehended.

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(o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

424.5 RESPONSIBILITIES IN FOOT PURSUITS

424.5.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. [redacted]

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify the dispatcher of their location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

424.5.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that they are engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

424.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot

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pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established Office guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-foot pursuit activity.

424.5.4 CENTRAL DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved deputies.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Shift Supervisor as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

424.6 REPORTING REQUIREMENTS

The initiating deputy shall complete appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and deputies.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

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The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

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Medical Aid and Response

425.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

425.2 POLICY

It is the policy of the El Dorado County Sheriff's Office that all designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

425.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Central Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Central Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and impervious to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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425.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Members should search any person who is in custody before releasing that person to EMS for transport.

A deputy or transportation correctional officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

425.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a member shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If a member believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The member may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the member will require the person to be transported to the nearest medical facility. In such cases, the member should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

425.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

425.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

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victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.
- Headlights, spotlights and flashlights should not be aimed upward at the air ambulance.
- Members should direct vehicle and pedestrian traffic away from the landing zone.

425.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

425.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in office vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Central Dispatch as soon as possible and request response by EMS.

425.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

425.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

EDSO OES will coordinate with County Risk to ensure AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

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425.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9) (See First Responder Intranasal Naloxone Policy for further).

425.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the member has reason to believe the arrestee is feigning injury or illness, the member should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Members shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay a member from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the member's training.

425.11 FIRST AID TRAINING

The Training Sergeant should ensure designated members receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

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Automated License Plate Readers (ALPRs)

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

426.2 POLICY

The policy of the El Dorado County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this Office. Because such data may contain confidential information, it is not open to public review.

426.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the El Dorado County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Operations Division Commander. The Operations Division Commander will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

426.3.1 ALPR ADMINISTRATOR

The Operations Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

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(g) Ensuring this policy and related procedures are conspicuously posted on the Office's website.

426.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Office members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this Office shall operate ALPR equipment or access ALPR data without first completing Office-approved training.

(e) No ALPR operator may access Office, state or federal data unless otherwise authorized to do so.

(f) If practicable, the deputy should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

426.5 DATA COLLECTION AND RETENTION

The Operations Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with Office procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

426.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The El Dorado County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

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(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or Office-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

426.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Support Services Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

426.8 TRAINING

The Training Sergeant should ensure that members receive -approved training for those authorized to use or access the OfficeALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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Public Recording of Law Enforcement Activity

427.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

427.2 POLICY

The El Dorado County Sheriff's Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

427.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the deputies.
4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the deputies, themself or others.

427.4 DEPUTY RESPONSE

Deputies should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For

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example, rather than directing an individual to clear the area, a deputy could advise the person that they may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

427.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Office members, such as how and where to file a complaint.

427.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a office-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Crisis Intervention Incidents

428.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person’s mental state and intent in order to effectively and legally interact with the individual.

428.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage their behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

428.2 POLICY

The El Dorado County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

428.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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428.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

428.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of their action or inaction, as perceived by the deputy.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

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428.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

428.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take their medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

428.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

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(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

428.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to office reporting procedures or other official mental health or medical proceedings.

428.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

428.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that they are interacting with a person in crisis, they should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to themself or others, a deputy should be promptly summoned to provide assistance.

428.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this office should ensure that a thorough review and analysis of the office response to these incidents is

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conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

428.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the office will develop and provide comprehensive education and training to all office members to enable them to effectively interact with persons in crisis.

This office will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

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First Amendment Assemblies

429.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

429.2 POLICY

The El Dorado County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this Office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

429.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe Office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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429.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating Office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

429.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Central Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

429.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

429.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

429.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with County government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

429.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated.

429.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, they or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

429.7 USE OF FORCE

Use of force is governed by current Office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this Office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

429.8 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by deputies who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including a deputy, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

(a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

(b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.

(c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.

(d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.

(e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.

(f) Deputies shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.

(g) An objectively reasonable effort has been made to extract individuals in distress.

(h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

(i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

(j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:

    1. A violation of an imposed curfew.

    2. A verbal threat.

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3. Noncompliance with a law enforcement directive.

(k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

429.8.1 USE SUMMARY

The Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the Office website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Office at the time of the report and include the information required in Penal Code § 13652.1.

429.9 ARRESTS

The El Dorado County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of deputies and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

429.10 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the EDSO Media Relations Policy 346).

429.10.1 MEDIA ACCESS

If deputies close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest,

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or rally where individuals are engaged in a protected activity pursuant to the First Amendment, deputies shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

429.11 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

429.12 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Central Dispatch records/tapes

(g) Media accounts (print and broadcast media)

429.12.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

429.13 ANTI-REPRODUCTIVE RIGHTS CALLS

Deputy response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

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429.14 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Office should, when practicable, train with its external and mutual aid partners.

Deputies should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

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Civil Disputes

430.1 PURPOSE AND SCOPE

This policy provides members of the El Dorado County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

430.2 POLICY

The El Dorado County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

430.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

430.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor.

430.4.1 STANDBY REQUESTS

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

430.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

430.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Suspicious Activity Reporting

431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

431.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, veteran status or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

431.2 POLICY

The El Dorado County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

431.3 RESPONSIBILITIES

The Office of Emergency Services (OES) lieutenant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for office participation in criminal intelligence systems as outlined in the Criminal Organizations Policy (EDSO policy 442.)

The responsibilities of the (OES) lieutenant include, but are not limited to:

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(a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Office.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

431.4 REPORTING AND INVESTIGATION

Any office member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

431.5 HANDLING INFORMATION

The SAR supervisor and/or OES lieutenant will ensure copies of SARs, are forwarded in a timely manner, to the following when necessary:

- Investigations Unit supervisor
- Crime Analysis Unit
- Other authorized designees

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This Office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This Office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Vehicle Code § 41603). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

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(a) Vehicular manslaughter

(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has their license in possession, the license shall be seized by the deputy. The deputy shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The deputy will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each sheriff's motorcycle and in the saddlebag or gear bag of each sheriff's bicycle. Each vest should be properly stored and maintained in a serviceable condition. Before going into

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service, each employee shall ensure a serviceable high-visibility vest is properly equipped in their vehicle.

A supply of high-visibility vests will be maintained in the Fleet equipment room for replacement of damaged or unserviceable vests. The Fleet Sheriff's Technician should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

This policy establishes the procedure to be followed by the El Dorado County Sheriff's Office for the investigation and reporting of traffic collisions involving Office personnel and equipment.

501.2 TRAFFIC COLLISION REPORTING

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results.

(a) Whenever an accident involves a County vehicle within El Dorado County, the accident shall be investigated by the California Highway Patrol or the City Police if the accident occurred in an incorporated city.

(b) Any traffic collision involving a County vehicle occurring outside the County of El Dorado shall be investigated by the local agency having jurisdiction where the collision occurred. The involved Office employee shall request the investigating agency to forward a copy of the traffic collision report to the El Dorado Sheriff's Office.

(c) The traffic collision investigation report requirement can be waived, at the direction of a supervisor, when the collision occurs on private property or does not involve another vehicle or property damage (e.g. deer, rock, etc.).

The involved member shall, as soon as practical, notify their immediate supervisor of the collision. If the immediate supervisor is unavailable, the employee shall notify the on-duty shift sergeant.

A Driver's Report of Accident (El Dorado County Risk Management form) must also be completed for ALL vehicle collisions involving a County vehicle.

The member involved shall comply with the following procedures:

(a) Secure the names and addresses of the other driver, passengers, and witnesses.

(b) Do not argue with other parties involved in the accident.

(c) Discuss the accident only with the CHP/City investigators or authorized County officials.

(d) Make complete and factual Office reports as required.

501.2.1 SUPERVISOR RESPONSIBILITIES

(a) The shift sergeant or their authorized designee should respond to the accident scene.

(b) The shift sergeant shall make an appropriate notification to the Patrol Lieutenant following the incident.

(c) The supervisor shall ensure that the Driver's Report of Accident is completed and processed as soon as practicable following the incident. If the involved member is unable to complete the report, the member's supervisor should complete and route the report within 24 hours.

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(d) The supervisor shall ensure complete and factual Office reports are completed as required.

(e) The supervisor shall obtain a copy of the completed traffic collision investigation report from the investigating agency.

501.3 ACCIDENT REVIEW BOARD

The Support Services Division Lieutenant or their designee shall be designated as the Office Safety Coordinator, in addition to their other duties.

501.3.1 FUNCTION

The Office Safety Coordinator shall review and follow-up all accidents involving on-duty personnel and/or county owned vehicles. The Safety Coordinator shall determine whether the accident was preventable or non-preventable.

501.3.2 ACCIDENT REVIEW BOARD

(a) Preventable accidents indicating poor judgment, negligence, violation of law, or rules and regulations, and those resulting in considerable injury or property damage may be referred to the Accident Review Board by the Office Safety Coordinator.

(b) Employees involved in a preventable accident and facing discipline may request an Accident Review Board.

(c) The Office Safety Coordinator shall schedule all appearances before the Accident Review Board.

(d) The Accident Review Board shall be composed of the following persons:

1. A Captain or Lieutenant (designated by the Sheriff)
2. A Sergeant or Supervisor of rank above Sergeant
3. A Deputy Sheriff (designated by the Sheriff)

(e) The Office Safety Coordinator will select the Supervisor on a random basis for each Board convened.

(f) The Office Safety Coordinator will present the facts of the traffic collision to the Board.

(g) The Board shall interview persons scheduled to appear and review the facts to determine the degree of responsibility in each case.

(h) The involved employee may present testimony to dispute the findings of the Office Safety Coordinator.

(i) The Office Safety Coordinator will not express an opinion to influence the Board's recommendation.

(j) The Board shall present its findings and recommendations for disciplinary action in a written report, along with copies of accident reports and the individual's accident records, to the Division Commander. The Board's recommendation is advisory only and not binding. The Division Commander may uphold, suspend, or modify the recommendation of the Accident Review Board.

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(k) The Board will be guided in their deliberations and recommendations based on:

1. The attitude of the person involved.
2. Their past driving record.
3. The degree of carelessness or negligence involved.
4. The amount of damage and/or severity of the incident.

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Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the El Dorado County Sheriff's Office. Nothing in this policy shall require the office to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

Office members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Records Unit as soon as practicable after the vehicle is stored.

502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Central Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the office to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call the next tow company on the rotational tow list. The deputy will then store the vehicle using a CHP Form 180.

502.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.

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- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the office will not be responsible for theft or damages.

502.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the deputy shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The deputy shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the deputy shall list on their copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or their agent upon presentation of a valid driver's license and current vehicle registration.

502.2.5 DRIVING A NON-COUNTY VEHICLE

Vehicles which have been towed by or at the direction of the office should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.6 RECORDS UNIT RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Shift Supervisor for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and Vehicle Code § 14602.6(a)(2). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this office.

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(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES

The County of El Dorado periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the office against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE

The office will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

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(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or their agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates their driver's license or acquires a license and provides proof of proper insurance.
3. Any other circumstance as set forth in Vehicle Code § 14602.6.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or their agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

502.7 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

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Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the El Dorado County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Operations Division Administrative Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at their own expense.

The failure of either the registered or legal owner or interested person or their agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Office.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this Office's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Office's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Office.

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Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those Office members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The El Dorado County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

504.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

The Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS

The Patrol Lieutenant should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

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(b) The person is under 21 years of age and is arrested by a deputy having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by a deputy having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 STATUTORY NOTIFICATIONS

Deputies requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.2 CHOICE OF TESTS

Deputies shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the deputy shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the deputy may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.3 BREATH SAMPLES

The Patrol Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

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The deputy should also require the person to submit to a blood test if the deputy has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the deputy's belief shall be included in the deputy's report (Vehicle Code § 23612(a)(2)(C)).

504.5.4 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.5 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain their dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

504.5.6 PRELIMINARY ALCOHOL SCREENING

Deputies may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The deputy shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

504.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If a deputy lawfully detains a person under 21 years of age who is driving a motor vehicle and the deputy has reasonable cause to believe that the person has a blood alcohol content of 0.01 or

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more, the deputy shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the deputy may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, deputies should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.

(c) Document the refusal in the appropriate report.

504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).

(b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that they will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

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(c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to deputies pursuant to Penal Code § 836, a deputy may make a warrantless arrest of a person that the deputy has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic crash.

(b) The person is observed in or about a vehicle that is obstructing the roadway.

(c) The person will not be apprehended unless immediately arrested.

(d) The person may cause injury to themselves or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.7.2 DEPUTY RESPONSIBILITIES

The deputy serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver’s license to the Department of Motor Vehicles (DMV).

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(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

504.8 RECORDS UNIT RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.10 TRAINING

The Training Sergeant should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Patrol Lieutenant shall be responsible for the development and design of all Office traffic citations in compliance with state law and the Judicial Council.

The Operations Division Sheriff's Technician shall be responsible for the supply and accounting of all traffic citations issued to members of this Office.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Members of this Office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Patrol Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Sergeant may request the Patrol Lieutenant to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify their immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Lieutenant for review.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation with a Notice of Correction form to their immediate supervisor. The citation and Notice of Correction form shall then be forwarded to the Records Unit.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this Office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

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Upon separation from employment with this Office, all members issued traffic citation books shall return any unused citations to the Operations Division Sheriff's Technician.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

(a) Administrative reviews are conducted by the Administrative Sergeant who will review written/documentary data. Requests for administrative reviews are available at the front desk of the El Dorado County Sheriff's Office. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

505.7.3 COSTS

(a) There is no cost for an administrative review.

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(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

(c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then notify the California Highway Patrol, an appropriate Police Department, or assign another available deputy to respond for assistance as soon as practicable.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by office personnel will be contingent on the time of day, the location, the availability of office resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the deputy shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

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600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

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(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Office shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

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The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this Office. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using Office equipment.

Information obtained via the internet should not be archived or stored in any manner other than Office-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any Office computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

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Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigations Unit Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

  (a) The purposes for which using cellular communications interception technology and collecting information is authorized.

  (b) Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.

  (c) Training requirements necessary for those authorized employees.

  (d) A description of how the Office will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.

  (e) Process and time period system audits.

  (f) Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.

  (g) The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.

  (h) The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with Office security procedures, the Office's usage and privacy procedures and all applicable laws.

600.10 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the El Dorado County Sheriff's Office reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

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(a) Taking a report, even if the location of the crime is outside the jurisdiction of this Office or has not been determined (e.g., online harassment).

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside Office jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this Office should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for Office use and are specific to this type of investigation.

The Investigations Unit supervisor should provide the Records Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Unit Policy for additional guidance.

600.11 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Office as lost or stolen, the Investigations Unit supervisor shall assign a deputy to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Office (Penal Code § 28220).

600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigations Unit supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Office who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records

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Unit for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Unit Policy for additional guidance).

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the El Dorado County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Central Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.5.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned deputy shall accomplish the following:

(a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the deputy shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

    1. The deputy shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

    2. A support person may be excluded from the examination by the deputy or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

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601.5.2 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that their name will become a matter of public record unless the victim requests that their name not be made public. The reporting deputy shall document in their report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this Office shall not publicly disclose the name of any victim of a sex crime who has exercised their right to confidentiality (Penal Code § 293).

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned deputy shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned deputy determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the deputy shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned deputy shall continue to

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update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned deputy shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.6.2 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

601.6.3 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

  (a) Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

  (b) Absent a written request, no member of this Office is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Sexual assault victims shall further have the following rights (Penal Code § 680):

  1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

  2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

  3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.

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4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned deputy informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. No deputy shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.6.4 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted their original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Investigations Unit supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

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601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.
5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

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Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the El Dorado County Sheriff's Office seizes property for forfeiture or when the El Dorado County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The office member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the office and the assigned attorney.f

Property subject to forfeiture - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

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2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The El Dorado County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the El Dorado County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.
2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing deputy can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Deputies aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

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602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

(b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).

(d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

(e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

602.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The deputy seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

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Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER

The Sheriff will appoint a deputy as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a office-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the office and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for office use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:

    1. Names and contact information for all relevant persons and law enforcement officers involved.

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2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Office Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the office's regular inventory is in accordance with all applicable laws and consistent with the office's use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and office procedures related to asset forfeiture, including procedures for prompt notice to

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interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives (Health and Safety Code § 11495).

602.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures they achieve (Heath and Safety Code § 11469).

The office may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

602.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the El Dorado County Sheriff's Office shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

602.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at their address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

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Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - For the purposes of this policy an informant is defined as any individual who participates, on behalf of this office, in a prearranged transaction or prearranged meeting with direct face-to-face contact with any party, when the individual's participation in the transaction or meeting is for the purpose of obtaining or attempting to obtain evidence of illegal activity and/or where the individual is supplying information regarding illegal activity for the purpose of reducing or dismissing a pending judicial action or for any compensation of monetary value.

603.2 POLICY

The El Dorado County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as a confidential informant, a deputy must receive approval from the Narcotics Unit Supervisor. The deputy shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

Informants and informant information shall be managed by the Narcotics Unit Supervisor.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)

(d) The Sheriff or the authorized designee

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603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Division Commander, Narcotics Unit supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the El Dorado County Sheriff's Office, and that they shall not represent themselves as such.

(d) The relationship between office members and informants shall always be ethical and professional.

(a) Members shall not become intimately involved with an informant.

(b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics Unit supervisor.

(c) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Narcotics Unit supervisor.

1. Deputies may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

(g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging them in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable

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will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the office and, if so, what conditions will be placed on their participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using their affiliation with this office to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Narcotics Unit. The Narcotics Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Division Commander, Narcotics Unit supervisor or their authorized designees.

The Investigations Unit Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Narcotics Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

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(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and their subsequent reliability

  (a) If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

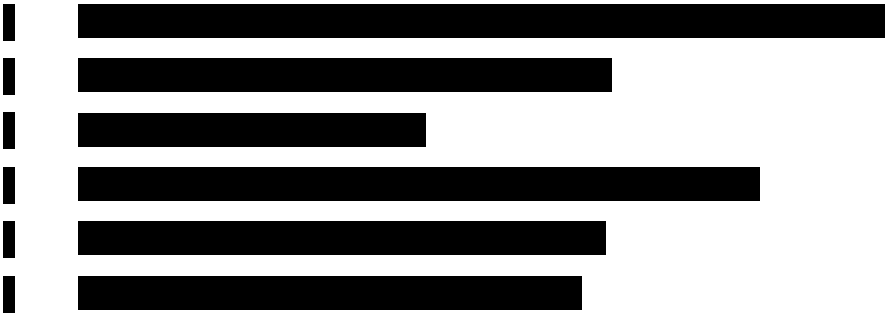
(j) Name of the deputy initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for their service. The amount of funds to be paid to any informant will be evaluated against the following criteria:



603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments up to $500 may be authorized by the Narcotics Unit supervisor from the buy/expense fund.

  1. The Narcotics Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments up to $2,500 may be authorized by the Narcotics Unit Lieutenant from the buy/expense fund.

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1. The Narcotics Unit Lieutenant shall sign the voucher for cash payouts from the buy/expense fund.

(c) Payments up to $5,000 may be authorized by the Operations Division Commander from the buy/expense fund.

(a) The Operations Division Commander shall sign the voucher for cash payouts from the buy/expense fund.

(d) Payments over $5,000 must be authorized by the Sheriff or the authorized designee from the buy/expense fund.

(a) The Sheriff or the authorized designee shall sign the voucher for cash payouts from the buy/expense fund.

(e) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:

(a) Date

(b) Payment amount

(c) El Dorado County Sheriff's Office case number

(d) A statement that the informant is receiving funds in payment for information voluntarily rendered.

2. The cash transfer form shall be signed by the informant.

3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of their responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount they must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

603.6.3 AUDIT OF PAYMENTS

The Narcotics Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every quarter, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related

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documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Brady Material Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the El Dorado County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The El Dorado County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the El Dorado County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the office case file.

604.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this office who is a material witness in a criminal case, the following procedure shall apply:

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(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the deputy's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

604.5 INVESTIGATING BRADY ISSUES

If the office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

604.6 TRAINING

Office members should receive periodic training on the requirements of this policy.

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Unmanned Aerial System

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

605.2 POLICY

Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

605.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for office operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

605.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

605.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, veteran status or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

605.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this Office. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

606.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to balance the safety needs of the public, the safety of members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 COMMANDER

The Commander (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The Commander will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

606.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. They will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

606.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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606.6 WARRANT PREPARATION

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

1. Deputies shall not seek a no-knock warrant.

(b) A clear explanation of the affiant's training, experience, and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

606.7 HIGH-RISK WARRANT SERVICE

The Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

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(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

606.8 NO-KNOCK ENTRIES

No-knock entries are only authorized if exigent circumstances arise at the scene such that knocking and announcing the deputy's presence would create an imminent threat of physical violence to the deputy or another person.

606.9 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.10 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

606.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Commander will ensure that cooperative efforts with other agencies in the service of warrants will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities

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- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Commander. The Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Commander should ensure that members of the El Dorado County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of El Dorado County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Commander is unavailable, the Lieutenant should assume this role.

If deputies intend to serve a warrant outside El Dorado County Sheriff's Office jurisdiction, the Commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the El Dorado County Sheriff's Office when assisting outside agencies or serving a warrant outside El Dorado County Sheriff's Office jurisdiction.

606.12 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

606.13 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

606.14 TRAINING

The Training Sergeant should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

607.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 OPERATIONS DIRECTOR

The Sheriff will designate a member of this office to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

607.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

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[redacted]

607.4.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

607.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
    1. (CRU)
    2. Additional personnel
    3. Outside agency assistance
    4. Special equipment
    5. Medical personnel
    6. Persons trained in negotiation
    7. Additional surveillance

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8. Canines
9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate office members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

607.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives, and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing, and approving reports.

607.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that Central Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.

2. If the radio channel needs to be monitored by Central Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 CRU PARTICIPATION

If the operations director determines that CRU participation is appropriate, the director and the CRU supervisor shall work together to develop a written plan. The CRU supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the CRU supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

607.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy (EDSO Policy 346.)

607.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any CRU debriefing.

607.11 TRAINING

The Training Sergeant should ensure deputies and CRU team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Chapter 7 - Equipment

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County Owned and Personal Property

700.1 PURPOSE AND SCOPE

Office members are expected to properly care for office property assigned or entrusted to them. Members may suffer occasional loss or damage to personal or office property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF OFFICE PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of office property assigned or entrusted to them. A member's intentional or negligent abuse or misuse of office property may lead to discipline including, but not limited to the cost of repair or replacement of the property.

(a) Members shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any office issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable office property should be discontinued as soon as practical and replaced with comparable office property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, office property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Office property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any office property becomes damaged or unserviceable, no member shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on an office memo. This memo is submitted to the member's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander which shall include the results of their investigation, whether the member followed proper procedures, and whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff or authorized designee who will then forward the claim to the Fiscal Division.

The office will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

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700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the member goes off duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other members may intentionally or unintentionally cause damage to the real or personal property of another while performing their duties. Any member who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If members of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the office member present, or the member responsible for the property, to make a verbal report to their immediate supervisor as soon as circumstances permit. The member shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The El Dorado County Sheriff's Office allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the

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affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Sheriff. All such searches shall be fully documented in a written report.

701.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Carrying a personally owned PCD while on duty is a privilege, not a right.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.

(d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

(e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

(f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Sheriff or the authorized designee.

(g) Use of a personally owned PCD while on duty constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with access to the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate

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compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Deputies are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.

(f) While on duty, Employees will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

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If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects

(b) Hostage situations

(c) Mobile Command Post

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political or community events

(f) Investigative stakeouts

(g) Emergency contact with an allied agency or allied agency field unit

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Members are responsible for assisting in maintaining Office vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When an Office vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the member who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the Office armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Office vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares or Power Flares
- First aid kit, CPR mask
- High-Visibility traffic safety vest
- Fire extinguisher
- Narcan
- Patrol shield
- Biohazard kit

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- PPE - gloves/masks/eye protection
- Roll of crime scene barricade tape
- Fingerprinting kit

702.3.2 UNMARKED VEHICLES
A member driving an unmarked Office vehicle shall ensure that the minimum following equipment is present in the vehicle:

- First aid kit, CPR mask
- High-Visibility traffic safety vest

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized locations, absent exigent circumstances.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Members using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 CIVILIAN MEMBER USE
Civilian members using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian members shall also prominently display the "out of service" placards at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure Office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of Office vehicles and shall not be construed to create or imply any contractual obligation by the County of El Dorado to provide assigned take-home vehicles.

703.2 POLICY

The El Dorado County Sheriff's Office provides vehicles for Office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments, and other considerations.

703.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify Central Dispatch for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

703.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Shift Sergeant of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Property and Evidence Section personnel assigned transportation duties to and from the maintenance yard, etc. Property and Evidence Section personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

703.2.3 UNMARKED VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

703.2.4 AUTHORIZED PASSENGERS

Personnel operating Office owned vehicles shall not permit persons other than County employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

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703.2.5 PARKING

County owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a County owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3 ASSIGNED VEHICLE AGREEMENT

County owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes. The employee shall sign an agreement setting the standard for how the vehicle shall be used and where it shall be parked when the employee is not on duty.

The agreement states that the vehicle shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and the shift sergeant gives authorization. The agreement also requires the employee to be responsible for the vehicle's care and maintenance. The Office will provide necessary care/maintenance supplies.

The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

703.3.1 VEHICLES SUBJECT TO INSPECTION

All County owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.4 SECURITY

Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

County vehicles on overnight assignment to an employee should be stored in a location which reasonably provides for the protection of the vehicle. All weapons, portable radios and official documents shall be removed from the vehicle when appropriate. All vehicles not on overnight assignment shall be left parked and secured in designated areas for immediate use by authorized personnel.

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703.4.1 KEYS

All field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their equipment distribution. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

703.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the El Dorado County Sheriff's Office, a deputy shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Deputies driving marked vehicles shall be armed at all times.

Deputies may render public assistance, e.g. to a stranded motorist, when deemed prudent.

703.6 MAINTENANCE AND INSPECTION

Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.

(a) Employees may use the wash racks at the sheriff's facility or maintenance yards (Inmate Workers may be used to clean vehicles, when available).

(b) Cleaning/maintenance supplies will be provided by the Office.

Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

Routine maintenance and oil changes shall be done in accordance with the County Fleet shop schedule. The vehicles will normally be serviced at the County maintenance shop.

(a) When leaving a vehicle at the County maintenance shop, the employee will complete a vehicle repair form explaining the service or repair issue, or otherwise notify the maintenance shop why the vehicle was dropped off.

703.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the assigned vehicle program manager.

703.7 COLLISION DAMAGE, ABUSE AND MISUSE

When a County-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction.

When a collision involves an Office vehicle or when a member of this Office is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the California Highway Patrol should be summoned to handle the investigation.

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Collisions involving a private passenger vehicle operated by an employee, when the vehicle use is at the request or direction of a supervisor and is in the performance of the employee's duties, shall be a liability of the El Dorado County Sheriff's Office, not the vehicle owner. Consideration should be given to an outside agency handling the collision investigation report (Insurance Code § 488.5).

The employee involved in the collision shall complete the County's Driver's Report of Accident form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift sergeant.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

703.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on duty, are exempt from paying the toll. Commuting, or returning to the County after an emergency does not qualify for this exemption and personnel using County owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a County owned vehicle upon the toll road shall adhere to the following:

(a) All employees operating a County owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the County for any toll fees.

(b) All employees passing through the Toll Plaza or booth during a response to an emergency shall draft a memo to their respective Division Commander within five working days explaining the circumstances.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure office members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of office operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff or the County.

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704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Narcotics Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for office services shall discharge those duties in accordance with the procedures established for those tasks.

704.7 OTHER CASH HANDLING

Members of the office who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Office as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The El Dorado County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 MEMBER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster/Armorer shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

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705.6 HEAD AND BODY PROTECTION

Members who participate in crowd control events shall be provided ballistic head protection with an attachable face shield. Padded body protection shall also be available consisting of chest, arm, leg and groin protection.

Sworn deputies will be provided with ballistic helmets and plate carriers in addition to soft body armor referenced in the Office Body Armor policy.

705.7 RESPIRATORY PROTECTION

The Support Services Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

(a) It is necessary for the member to wash their face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per Office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

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705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the Office records retention schedule and 8 CCR 5144.

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

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Military Equipment

706.1 PURPOSE AND SCOPE

This policy establishes guidelines for the acquisition, funding, use and reporting of "military equipment", as the term is defined in Government Code § 7070; Government Code § 7071; Government Code § 7072. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481. These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing Body – The Board of Supervisors for the County of El Dorado.

Military Equipment – Any of a wide variety of items as defined by California Government Code section 7070, subsections (c)(1) through (c)(16).

706.2 POLICY

It is the policy of the El Dorado County Sheriff's Office that there be legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

706.3 GENERAL

1. The Sheriff's Office shall obtain approval from the Governing Body annually prior to engaging in any of the following activities:
    (a) Requesting military equipment made available pursuant to 10 USC 2576a.
    (b) Seeking funds for military equipment including, but not limited to; applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
    (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
    (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the Governing Body.
    (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the Governing Body pursuant to policy.
    (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
2. In seeking the approval of the Governing Body, the Sheriff's Office shall submit a proposed military equipment use policy, or subsequent amendments, to the Governing

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Body and the public via the Sheriff's Office internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

706.4 FINDINGS OF THE GOVERNING BODY AND REQUIRED TRAINING

1. The Governing Body, by virtue of an ordinance adopted in accordance with applicable law, has determined that:
   (a) The military equipment currently possessed and/or authorized to be acquired by the Sheriff's Office is necessary because there is no reasonable alternative that can achieve the same objective of member and civilian safety.
   (b) This policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
   (c) The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of member and civilian safety.
   (d) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
2. Military equipment shall be used by a Sheriff's Office employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training (POST), has been completed, unless exigent circumstances arise.

706.5 MILITARY EQUIPMENT REPORTING

1. The Sheriff's Office shall submit an annual military equipment report to the Governing Body that addresses each type of military equipment possessed by the Office.
2. The Sheriff's Office shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
3. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
   (a) A summary of how the military equipment was used and the purpose of its use.
   (b) A summary of any complaints or concerns received concerning the military equipment.
   (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
   (d) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
   (e) The quantity possessed for each type of military equipment.

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(f) If the Sheriff's Office intends to acquire additional military equipment in the next year, and the nature of those items is known, the quantity sought for each type of military equipment.

(g) Within 30 days of submitting and publicly releasing an annual military equipment report, the Sheriff's Office shall hold at least one well-publicized and conveniently located community engagement meeting, at which the public may discuss and ask questions regarding the annual military equipment report and the Sheriff's Office funding, acquisition, or use of military equipment. This shall occur as a part of the Sheriff's Office presentation to the Governing Body regarding the above-described annual military equipment report.

706.6 CATALOGING OF MILITARY USE EQUIPMENT

All military use equipment kept and maintained by the El Dorado County Sheriff's Office shall be cataloged in a way which addresses each of the following requirements:

1. The manufacturer's description of the equipment.
2. The capabilities of the equipment.
3. The purposes and authorized uses for which the Sheriff's Office proposes to use the equipment.
4. The expected lifespan of the equipment.
5. The fiscal impact of the equipment, both initially and for on-going maintenance.
6. The quantity of the equipment, whether maintained or sought.

706.7 COMPLIANCE

1. The Sheriff or their designee will ensure that all Sheriff's Office employees comply with this policy. The Sheriff's Office will conduct an annual audit with the assistance of the Support Services Division. The Division Commander will be notified of any policy violations and, if needed, the violation(s) will be referred to the Internal Affairs Division and handled in accordance with the Sheriff's Office Standards of Conduct policy. All instances of non-compliance will be reported to the Governing Body via the annual military equipment report.
2. Any member of the public can register a question or concern regarding military use equipment by contacting the El Dorado County Sheriff's Office at 530-621-5655. Inquiries will be routed to the Support Services Division. A response to the question or concern shall be completed by the Office in a timely manner.
3. Any member of the public can submit a complaint to any member of the Sheriff's Office and in any form i.e., in person, telephone, email, etc. Once the complaint is received, it should be routed to the Support Services Division in accordance with the Sheriff's Office Personnel Complaints policy.

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706.8 FUNDING

The Sheriff's Office shall seek Governing Body approval for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

The Sheriff's Office has authority to apply for funding prior to obtaining Governing Body approval in the case of exigent circumstances. The Sheriff's Office shall obtain Governing Body approval as soon as practicable.

706.9 MILITARY EQUIPMENT INVENTORY

The El Dorado County Sheriff's Office shall maintain a current catalog of existing military equipment that shall be updated annually as part of the Governing Body approval process.

The Governing Body hereby authorizes the use and acquisition (as described in Section 709.11) of the following categories of military equipment.

See attachment: 2022 Military Equipment Inventory Report.pdf

706.10 MAINTENANCE OF MILITARY USE SUPPLY LEVELS

When stocks of military equipment have reached significantly low levels or have been exhausted, the Sheriff's Office may order up to 10% of stock in a calendar year without Governing Body approval to maintain essential availability for Sheriff's Office needs. The Sheriff's Office is authorized to acquire additional stock of items in the event of an emergency when approved by the Sheriff or the authorized designee. The Governing Body further determines that all military equipment previously listed as part of the prior fiscal year annual budget request, but which has not yet been acquired, is in compliance with this policy, and therefore authorizes and approves such acquisition.

706.11 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

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Chapter 8 - Support Services

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Property Procedures

800.1 PURPOSE

The purpose of this policy is to provide a procedure for entering evidence and property obtained by El Dorado County Sheriff's Office members into the office Property Section.

Office members handling evidence and property must take extra precaution with guns, controlled substances, flammable substances, and other dangerous substances.

800.2 DEFINITION

There are (3) three categories of property received by the El Dorado County Sheriff's Office:

(a) Evidence Property is that property which is directly connected to a crime. Because it is connected to a crime it has a high probability of being used in court. This includes property seized pursuant to a signed search warrant, which can only be released by a court order.

(b) Safekeeping Property is that property which is not connected with a crime, but has been taken into custody because the owner is unable to care for it for a specified period of time; or property that has no connection to a crime, but has been taken into custody to prevent a crime.

(c) Found Property is property that may or may not have a connection with a crime. These are items that have been found and turned over to the Sheriff's Office and are usually lost or misplaced items.

800.3 POLICIES AND PROCEDURES

800.3.1 EVIDENCE TRANSPORTATION

Members shall transport evidence in their assigned office vehicles whenever possible.

If an item is too large for a member's office vehicle, a property member may be requested to respond to the location with the Property Section vehicle. If the item appears to exceed the capability of the Property Section vehicle, the member shall notify their supervisor to arrange the necessary mode of transportation. Special item handling may also require preparation for storage. The member's supervisor shall be responsible for making all of the necessary arrangements.

In the event that flammable or unstable materials must be transported, the member's supervisor may contact the fire department or County Environmental Management (HAZMAT), and request that the material be recovered (with samples taken if evidence). An office member should wait with the material until the the fire department or HAZMAT arrives on the scene. Members should not transport gasoline, ether, or other volatile or flammable material inside a patrol vehicle.

The office Explosives Ordnance Disposal (EOD) Team will handle dynamite, military explosives, etc.

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800.3.2 EVIDENCE STORAGE

Evidence lockers/storage for the Placerville office are located in the Property Section, Officer Intake/Processing area (intake).

Evidence lockers/storage for the South Lake Tahoe (SLT) office are located [redacted]

(a) The following items shall not be booked into the inside lockers [redacted]

1. Gasoline, ether, or other dangerous, unstable, or unknown substances.
2. Clandestine lab chemicals and or equipment.
3. Large quantities of marijuana (in Placerville, store these in the outside gated property area).
4. Large items that will not fit within the property lockers provided.

(b) Perishable items are to be photographed and disposed of. If perishable evidence needs to be returned to the victim, photograph the item(s) and upload the photos to the report.

(c) All members are responsible for locking the evidence lockers following the booking/ storage of evidence. If the locker is equipped with a removable key, drop the key into the Property Section key-drop box.

800.3.3 EVIDENCE PACKAGING

Office members placing property or evidence into lockers shall attempt to package all items in bags or envelopes; or where indicated, use boxes, string tags or provided labels. The investigating deputy should seal property envelopes. Boxes shall be secured with string or tape. Envelopes and boxes shall be booked into an evidence locker.

NOTE: Specific envelopes are designated for money, film or photos, audio or videotapes, latent prints and narcotics or drugs. This procedure should be followed in all cases except where special packaging is required by this policy.

(a) The packaged or otherwise prepared evidence shall contain the following information in all cases.

1. Case number
2. Description of item
3. Deputy's name and Officer Applied Number
4. Date/time item was collected

(b) Members should personally mark all items of evidence with their initials, and where space permits, the date collected and the case number.

(c) Exceptions:

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1. Very small items need not be marked individually but shall be identified by marking their containers.
2. Evidence received in large quantities need not be marked individually. It is necessary to mark only a representative sample of items.
3. Items which can be identified by serial numbers or unique identifying markings need not be marked as above. In such cases, members shall enter all information necessary to establish identification of the item into the RIMS case property screen.

Office members shall place their Officer Applied Number on each item of evidence being booked. The Officer Applied Number is the member's ID number followed by a sequential number relating only to those items they have booked into property. This number must be entered into the "Officer Applied Number" location on the RIMS case property screen. The following illustrates the use of the Officer Applied Number: Deputy Doe with ID # 900 books five items. The items should be numbered D900 #1, D900 #2, D900 #3, D900 #4, and D900 #5.

When possible, members shall place the required evidence markings in a location where the item is not outwardly damaged or disfigured. Markings shall not be placed in any area which would alter or damage the evidentiary or real value of an item.

Property Lockers are not to be used for storage without supervisor approval and a memo in the locker identifying the deputy and circumstances. Property discovered in a locker without proper markings, deputy identification, RIMS entry, and/or without the key dropped will be removed from the locker and stored until claimed by the member. Property Technicians will notify supervisors of any item so stored.

800.3.4 LARGE ITEMS

Items too large for placement in the evidence lockers in Placerville shall be booked [redacted]

800.3.5 PRESERVING MINUTE EVIDENCE

Small bits of evidence, such as fingernail cleanings, hair, paint scrapings, etc., shall be placed in an envelope, glass vial or other suitable container, or placed in a properly marked evidence bag. When minute evidence samples are placed in small envelopes, these envelopes shall be placed in a 6" x 9" envelope prior to being booked into a locker.

800.4 EVIDENCE REPORTING

A RIMS report and a RIMS case property screen shall be completed each time evidence is booked into the Property Section.

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Whenever evidence is stored at a location other than the Property Section, notification must be given to the Property Section explaining the location of the evidence and the reason for its storage at another location.

Separately bagged and sealed items should have the item number also noted on the outside bag, tag, or evidence tape for identification. These separate items should remain separate when booked into the evidence locker.

The Property/Evidence form is to be completed in the field on items taken as evidence requiring a receipt be issued. This does not excuse members from the responsibility of entering the items into RIMS.

If an item requires CSI processing, it is the responsibility of the member placing the evidence into property to notify the Investigations Sergeant of the evidence items requiring CSI processing.

800.4.1 FOUND PROPERTY

Prior to reporting any item as "found", members shall initiate a check into the stolen property system of CLETS (California Law Enforcement Telecommunication System) whenever possible. Only after those items with serial numbers have been checked for stolen status may they be entered as "found".

The disposition of found property will be handled by the Property Section pursuant to the requirements in Civil Code section 2080.

800.4.2 SAFEKEEPING PROPERTY

Members may accept items from citizens who request that they be stored for safekeeping. The item will be held for 60 days. Whenever possible, every attempt shall be made to return the item to the rightful owner. If the rightful owner does not want the item, or if the rightful owner cannot be located, the item shall be disposed of according to office policy and state law.

800.5 NARCOTICS EVIDENCE PACKAGING

(a) All controlled substances shall be packaged as follows:

1. Complete the label on the K-PAK (plastic pouch).
2. Place the item in the plastic pouch and heat seal pouch.
3. Place the plastic pouch inside a completed white controlled substance envelope.
4. The envelope shall contain the suspect's name, charges, deputy name, date seized, a list of the items, and the gross weight.
5. The deputy shall complete the chain of custody line from/to and date/time.
6. The deputy shall seal envelope with tape and sign the seal to package.

(b) If necessary and safe to do so, controlled substances should be removed from their packaging to determine their net weight. Controlled substances may be returned and booked in the original packaging if not needed for other evidence purposes. Packaging

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needing separate analysis shall be packaged in a separate package according to the evidence packaging section above.

(c) Different types of controlled substances under the same case number, or from different suspects under the same case number, shall be separated and sealed in separate pouches with appropriate identifying information prior to being placed in the controlled substance envelope.

(d) Exceptions: The following can be booked in regular envelopes/bags:

1. Found controlled substances booked for destruction.
2. Coroner medications.
3. Bags with controlled substance residue only (scraper bag).
4. Marijuana booked for safekeeping.

800.5.1 LARGE QUANTITIES OF CONTROLLED SUBSTANCE EVIDENCE

(a) Powder type drugs.

1. Book a small sample in a plastic pouch as noted above. Book the remaining quantity in a plastic pouch and place it in a regular envelope or bag.

(b) Marijuana (dry) large amount.

1. Book a small sample in a plastic pouch as noted above. Book the remaining quantity in a bag and place it in t[redacted]

(c) Marijuana (wet) small or large amount.

1. Wet marijuana shall be placed in [redacted]
2. Do not seal the package or place in a plastic pouch.
3. Fill out the label on an appropriate sized paper bag and loosely place wet marijuana in the bag to accommodate drying. Property members will finish packaging the item when the marijuana is dry.
4. Large wet quantities from indoor or outdoor grows; Photograph and obtain random samples (rule of 10, 10, and 10): (a) 10 root balls; Fill out label on large paper bag and place ten root balls in bag. (b) 10 pounds; Fill out label on "extra" large paper bag, fill bag full but loose to allow to dry. Will dry to approximately ten pounds. (c) 10 random samples: Take a small sample from ten random areas/ plants, place loosely in small labeled paper bags. (d) Property members will complete the packaging process when the marijuana is dry, and then dispose of the excess.

800.5.2 CONTROLLED SUBSTANCE EVIDENCE REQUIRING ANALYSIS

At the time of initial intake, all controlled substance evidence (except that booked for destruction, found and having no suspects, coroner medications, and paraphernalia) should be weighed and tested by the investigating member using a presumptive screening test.

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If the District Attorney's Office determines controlled substance evidence must be analyzed by DOJ as a requirement of prosecution, they will forward a request to the Property Section. Property personnel will arrange transportation to DOJ for testing. When testing is complete, DOJ will return the evidence to the Property Section indicating the results. The Property Section will forward the results to the Records Section for dissemination to the District Attorney's Office.

800.6 CONTROLLED SUBSTANCES - EXCEPTIONAL PROCEDURES

Some types of controlled substance evidence require special procedures. The following sections will specify the types of controlled substances evidence requiring special procedures, and the procedures to follow.

800.6.1 PCP, LSD AND OTHER HIGHLY TOXIC CONTROLLED SUBSTANCES

PCP and LSD are highly toxic controlled substances, which emit a strong potentially toxic odor, and therefore must be handled with extreme caution and must be specifically transported and packaged to avoid exposure to the fumes and/or spillage.

(a) Transporting and handling: Once seized, they should be transported to the Sheriff's Office and placed into evidence immediately. Members should avoid handling the PCP/LSD itself, and should wash their hands thoroughly with soap and water after handling these controlled substances. They should either be transported in the trunk of the vehicle or, if carried in the passenger compartment, with windows down to provide ventilation.

(b) Packaging: These controlled substances will not be placed into evidence before they are properly packaged to avoid spillage, breakage and/or exposure to fumes. If the PCP/LSD is in a liquid form it must be placed in a capped bottle or jar if not already in one. The capped bottle or jar shall then be placed in a plastic pouch,heat sealed, and booked as per the Narcotic Evidence packaging section above. It may be necessary to wrap the bottle with paper prior to sealing it in a pouch to avoid breakage. If the PCP/LSD is in a dry/solid form, package the substance and book as per the Narcotic Evidence packaging section above.

(c) Once properly packaged, these controlled substances are to be booked into evidence lockers the same as other controlled substances.

800.6.2 CONTROLLED SUBSTANCE PARAPHERNALIA

Controlled substance paraphernalia taken as evidence is not required to be subject to analysis. This evidence should be packaged and booked as per theEvidence Packaging section above.

EXCEPTION: Hypodermic syringes are no longer accepted by DOJ. Syringes are to be photographed and disposed of in the sharps containers in the property intake room.

(a) If the syringe has a liquid content that needs to be analyzed the liquid substance shall be placed in the small glass bottles provided in the property intake room and booked as a controlled substance. The bottle and the syringe should be photographed together to establish the connection between the items.

(b) If the syringe requires latent print analysis, the investigating deputy or a Crime Scene Investigator (CSI) will process the barrel for latent prints. If prints are developed they

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shall be booked into evidence. The syringe shall then be photographed and disposed of as described above.

(c) Syringes that are seized by a search warrant, or syringes that are actual evidence of a crime, shall be placed in the syringe containers provided in intake and then booked into evidence.

(d) Because of the potential for bloodborne pathogen exposure from syringes, any deviation from this procedure must have prior supervisor approval.

(e) Large quantities of boxed, unopened syringes can be placed in a labeled paper bag and then booked into an evidence locker.

(f) Large quantities of used syringes that would exceed the capacity of the sharps container shall be placed in a labeled bag and so marked to alert property members of the danger.

800.6.3 CLANDESTINE LABS

(a) There are three types of items found within a clandestine lab:

1. Equipment
2. Chemicals
3. Potentially contaminated materials

(b) Any office members who, during the course of employment, come in contact with a potential clandestine lab should immediately contact their supervisor. The supervisor should determine the existence of the clandestine lab and contact the following personnel for further handling:

1. W.E.N.E.T. personnel
2. County Environmental Management.

800.6.4 BLOOD AND URINE ANALYZED FOR DRUGS INTAKE

(a) Evidence for all crimes except 11550 H&S:

1. Use appropriate DOJ mailer/box (blood or urine).
2. Upon collecting the witnessed sample, complete all required information contained in the mailer/box. Tape/seal mailer/box and place case number on outside of box.
3. Blood samples must be booked into the refrigerator. Urine samples can be booked into the evidence lockers.

(b) Evidence for 11550 H&S (urine): use the Redwood Toxicology urine kit.

1. Use only El Dorado Co. Sheriff's Client # [redacted] kits and green lab test requisition.
2. Case number where indicated.
3. Suspect name and DOB where indicated.

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4. Collector line: Deputy ID # and initial.
5. Do not fill in (receiving) area (lab use only).
6. Do not fill in a request for type of testing to be done.
7. Place security seal on bottle then place label over the security seal.
8. Place in Redwood Toxicology bag and seal bag.
9. Book as is (do not place in another package). Place the green lab requisition form separately in the locker with the sample.

(c) Evidence for 11550 H&S (blood): use the Toxicology tube.

1. Complete all the required information contained in the tube/mailer. Tape and seal the tube and place the case number on the outside of the package and book in the refrigerator.
2. Blood and urine evidence for 11550 H&S, or 23152(a) VC, or 23152(b) VC will be routed immediately by property members to the appropriate contractor keeping proper chain of custody. Results will be sent to the Records Section and are then disseminated to the District Attorney's office.
3. All other samples will be held by the Property Section until directed by the District Attorney or an investigator to send to a lab for testing.

800.7 OTHER EVIDENCE INTAKE

800.7.1 CONFISCATED FIREARM INTAKE

Prior to booking a firearm into the evidence lockers, members shall request that the firearm be checked through NCIC and CLETS for stops or holds. A Teletype shall be initiated for history, registration, and stops, and will be referred to investigations for follow-up. Any information received about the firearm shall be included in the member's report, including the request for the Teletype.

(a) It is the responsibility of the member placing a firearm into the Property Section to ensure that all firearms are unloaded and rendered safe priorto being placed into evidence lockers. Gun ties are supplied in the property intake room.

(b) ALL FIREARMS SHALL BE STRING-TAGGED (including boxed firearms). Evidence firearms requiring further evidence processing shall be placed in a gun box, unless they are too large to fit, in which case they should be wrapped in paper to preserve evidentiary value.

(c) Ammunition and clips/magazines are to be packaged and booked separately from the firearm. Ammunition should be packaged in paper bags, not plastic, in order to prevent static electricity.

(d) Gun cases are to be tagged or packaged, and booked separately from the firearm.

EXCEPTION: If a firearm must be booked in a loaded condition (such as jammed firearms), the on-duty property member shall be notified that the firearm is loaded at the time of booking. If property members are not on-duty, a memo shall be placed in the evidence locker with the loaded firearm to alert property members of the firearm's loaded condition.

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800.7.2 ARSON, PAINT, OR GLUE EVIDENCE INTAKE
Evidence of arson (evidence of accelerants), evidence of paint and or glue sniffing (paint rags, glue rags etc.), etc. shall be placed into a metal can that can be sealed and shall be booked into [redacted]

800.7.3 MOTOR VEHICLES
Small motor vehicles, such as mini bikes, mopeds, go-carts, etc., may be booked into evidence rather than impounding them by tow truck. Motorcycle frames, parts, and accessories may also be placed into evidence. These items are to be placed into the [redacted] Cars, trucks, and vehicle parts which leak oil/fluids, or are too heavy for one person to handle, shall be impounded by a tow-truck. Vehicles taken for evidence must have a RIMS report and a RIMS case property entry. Property Section members must be notified that the vehicle is in the parking lot for evidence. The vehicle keys should be booked into property separately and have a separate property entry in RIMS.

800.7.4 WEAPONS, SHARP OBJECTS
When booking potentially harmful items such as knives, razors, ice picks, glass, etc., members shall use cardboard and or tape or similar material to wrap the edges and points to protect all who handle the package/object. Members shall use the glass/sharps stickers, available in the property intake room, to mark the items. Folding knives can be taped in the closed position and placed in an envelope for booking.

800.7.5 OPEN CONTAINERS OF LIQUID
Containers of liquid having no lids shall be sealed as thoroughly as possible, or the contents shall be transferred to a sealed container available in the property intake room. Liquids sealed in their original containers shall be packaged so as to prevent spillage if they are knocked over.

800.7.6 WET ARTICLES
Blood soaked items must be allowed to dry before booking them into evidence. In such case, a CSI will be contacted so that the evidence can be placed into the drying room. After the evidence has sufficiently dried, the CSI will book the article into the Property Section and shall complete a supplemental report to establish chain-of-custody.

Items, which are soaked with water, may be handled as above or shall be placed in a paper bag. A second bag must be filled out so that Property staff may place the item into this bag when it has dried.

800.7.7 MONEY INTAKE
Office members who intend to place money into property, whether as found property or for safekeeping, shall proceed as follows:

(a) Money (currency and coin) shall be packaged separately from other property being received on the same case.

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(b) Currency shall be counted by the reporting member and then recounted by a second member for confirmation of the amount. Both counts and names shall be listed in the primary or supplemental report narrative.

(c) Money shall be placed in a money envelope after being properly marked for identification, as necessary.

(d) The envelope shall be marked with the same information as would be contained on a property tag, including the amount of money contained within the envelope.

(e) The envelope shall have the member's initials written across the closed flap of the envelope. The flap and initials shall then be covered with transparent tape.

(f) All such envelopes shall be listed as individual items on the Property/Evidence Report. The envelope can be placed in the same evidence locker with any other property taken under the same case.

If found or seized money is no longer required as evidence and remains unclaimed after three years, the office shall cause a notice to be published once a week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the office on a designated date not less than 45 days and not more than 60 days after the first publication. (Government Code § 50051).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this office to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

800.7.8 MONEY AS EVIDENCE, INTAKE

To facilitate prosecution, the District Attorney's office requires that all money booked into the Property Section as evidence (coins and paper bills) must be photocopied or digitally photographed.

(a) Paper bills; unless there is writing or evidence on the back of a paper bill, photographs or copies need only be taken of the front of the bill.

(b) Bulk coins; (example: large jar of coins) may be weighed and photographed, rather than individual photos of coins. They should be booked in the original container.

(c) Antique coins should have both the front and back photocopied or digitally photographed.

It is the responsibility of the booking deputy to make photocopies or take digital photographs of all evidence money and enter the copies or photographs into RIMS under its own item number. The actual money will be booked into property separately under its own item number.

All photocopies or digital pictures must be of good quality so as to view the serial numbers on the paper bills and the writing on the coins.

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It is the responsibility of the booking deputy to notify the Investigations Sergeant if money requires further evidence processing by a CSI.

NOTE: This procedure does not apply to asset forfeiture or search warrant cases.

800.7.9 EVIDENCE TO COURT, DOJ, ETC.
Whenever any evidence is removed from the Property Section to go to court, DOJ, etc., only authorized members shall sign for the evidence. A chain-of-custody form must be taken with the item to be signed by the appropriate court employee, deputy, District Attorney, lab personnel, etc.

If the evidence is left with one of the above agencies, the form must be returned to the Property Section as soon as possible. This form will serve as notice to property members as to who has custody of, and responsibility for, the evidence.

The notification of custody will be the responsibility of the individual who signed for the evidence when it was removed from the Property Section. All evidence not held by the Court, and in the possession of the member, shall be returned to the Property Section immediately. When the Property Section is closed, the members shall place the returned evidence in an evidence locker.

800.7.10 OTHER EVIDENCE

(a) Digitally uploaded Evidence:
    1. A RIMS entry must be made for digitally uploaded evidence.
(b) Digital Uploads of In Car Videos are to be named "ICV" or "IN CAR VIDEO".
    1. ICV's are to be marked evidence and the case number attached.
    2. ICV's for a citation should have the cite number attached.
(c) Medication booked on Coroner cases should be entered as "Evidence".
    1. The Coroner Section will advise the Property Section when it is permissible to dispose of the medication.

800.8 DISPOSITION OF EVIDENCE

A property tracking form will be maintained by the Property Section in order that a case may be followed through Court, and to ensure that evidence is released or disposed of at an appropriate time.

Follow-up investigators shall be responsible for notifying the Property Section of the disposition of recovered property and evidence.

Property being booked for "destruction" is to be entered into RIMS as Book For Destruction.

800.8.1 FIREARMS
All gun dispositions/destructions shall be approved by the Support Services Division Captain.

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800.8.2 UNIDENTIFIED PROPERTY

Property in the custody of the Property Section that cannot be identified or is unclaimed by the owner shall be disposed of by the Property Section consistent with this policy and prevailing law.

800.8.3 RELEASE OF PROPERTY

Personnel with authority to release property must contact the Property Section prior to the release and have a signed authorization with the case numbers and items prepared.

With the exception of firearms and other property specifically regulated by statute, found property will be held for a minimum of ninety (90) days, and property held for safekeeping shall be held for a minimum of sixty (60) days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available.

Property not held for any other purpose and not claimed within ninety (90) days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After all of the property entered on the chain of custody packet is released, the chain of custody packet shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the chain of custody packet will remain with the Property Section. Upon release, the proper entry shall be documented on the chain of custody log and in RIMS.

800.8.4 EVIDENCE PROCESSING

Investigating deputies or personnel who wish to have an item of evidence processed by one of the office authorized CSI's shall book the item into evidence. The member shall send a request to the Investigations Sergeant requesting the item to be processed by CSI.

The Property/Evidence Technician shall sign out the requested evidence from the Property Section on the chain of evidence portion of the evidence tracking sheet. The CSI doing the evidence processing will write a supplemental RIMS report as to the results of the processing and the disposition of the evidence, and return the evidence to the Property Section by using the evidence lockers.

The following types of evidence are listed as items that need regular processing and are to be handled by the Property/Evidence Technician in a timely manner:

(a) Evidence transfers (273.5, 187, 243(e) (1) and 368 PC).

(b) Drug analysis.

(c) All other types of evidence processing.

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800.8.5 RIGHT OF REFUSAL-EVIDENCE INTAKE

Evidence which is not packaged and booked in accordance with the procedures outlined in this policy will not be accepted for Property Section storage. Items improperly prepared will be held in an intake locker pending correction by the booking member.

800.8.6 REQUEST FOR CORRECTION NOTIFICATION PROCESS

If an item is not entered into RIMS, or there is a packaging problem, a request for correction memo will be sent to the booking member advising what corrections are needed. The booking member's immediate supervisor will also receive notification of the first memo to the booking member. If the booking member is on vacation, the supervisor needs to notify the Property Section about the time delay.

If within seven days the problem has not been resolved, property members will generate a second notification to the supervisor. This notification will also be sent to the member's Lieutenant.

If the problem is not resolved within a total of 15 days, a notification will be sent to the Lieutenant requesting assistance to correct the problem. All previous memo's directed to the booking member and their supervisor will be attached.

In Placerville, members should get the key to the property correction box from the patrol supervisor. The key to the evidence locker housing the property in need of corrections will be inside the property correction box.

In SLT, members should get the key to the evidence locker housing the property in need of corrections from the patrol supervisor (or property staff if available).

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Records Unit

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the El Dorado County Sheriff's Office Records Unit. The policy addresses Office file access and internal requests for case reports.

801.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to maintain Office records securely, professionally, and efficiently.

801.3 RESPONSIBILITIES

801.3.1 RECORDS MANAGER

The Sheriff shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Support Services Division Commander or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Unit.

(b) Scheduling and maintaining Records Unit time records.

(c) Supervising, training, and evaluating Records Unit staff.

(d) Maintaining and updating a Records Unit procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

  (a) Homicides.

  (b) Cases involving Office members or public officials.

  (c) Any case where restricted access is prudent.

801.3.2 RECORDS UNIT

The responsibilities of the Records Unit include but are not limited to:

(a) Maintaining a records management system for case reports.

  (a) The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

  1. Modification of case reports shall only be made when authorized by a supervisor.

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(c) Providing members of the Office with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:

1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
2. Suspected hate crimes (Penal Code § 13023).
3. Complaints of racial bias against deputies (Penal Code § 13012; Penal Code § 13020).
4. Civilian complaints made against deputies (Penal Code § 832.5; Penal Code § 13012).
5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
    (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
6. Anti-reproductive rights crime information required by Penal Code § 13777.

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:

(a) Deputy suicides
(b) Deputy misconduct
(c) Uses of force
(d) Deputy deaths or assaults
(e) Crime incidents
(f) Deaths in custody

(h) Updating the Automated Firearms System to reflect any firearms relinquished to the Office and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

(i) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).

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(j) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).

(k) Maintaining compliance with quarterly California DOJ reporting requirements regarding the Office's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).

(l) Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

(m) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

801.3.3 RECORDS UNIT PROCEDURE MANUAL
The Records Manager should establish procedures that address:

(a) Identifying by name persons in reports.

(b) Classifying reports by type of incident or crime.

(c) Tracking reports through the approval process.

(d) Assigning alpha-numerical records to all arrest records.

(e) Managing a warrant and wanted persons file.

801.4 FILE ACCESS AND SECURITY

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Shift Supervisor.

The Records Unit will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

801.5 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting Office member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to

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the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

801.6 CONFIDENTIALITY

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

801.7 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by deputies of the El Dorado County Sheriff's Office and no accusatory pleading has been filed, the person arrested may petition the Office to destroy the related arrest records. Petitions should be forwarded to the Support Services Supervisor. The Support Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Support Services Supervisor should forward the petition to the Investigations Unit Supervisor and the County Counsel for review. After such review and consultation with the County Counsel, the Investigations Unit Supervisor and the Support Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Support Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Support Services Supervisor should respond to a petition with the Office’s decision within 45 days of receipt. Responses should include only the decision of the Office, not an explanation of the analysis leading to the decision.

801.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Office and the record reflects only a detention.

(c) The California DOJ is notified.

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Restoration of Firearm Serial Numbers

802.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

802.2 PROCEDURE

Any firearm coming into the possession of the El Dorado County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

802.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

802.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

802.2.3 MEMBER RESPONSIBILITY

The evidence property tech receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be picked up by the Office Crime Scene Investigator (CSI) for serial number restoration.

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802.2.4 DOCUMENTATION
After receiving a request for serial number restoration, the Office CSI will retrieve the firearm from the Property Section, or receive it from another Office CSI, and will accomplish the restorative procedure in accordance with guidelines established by the California Department of Justice. The process shall be done in a safe, efficient manner, and in a well-ventilated area. Protective clothing and equipment shall be used at all times during the process.

802.2.5 FIREARM TRACE
The Office CSI will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) NTC Obliterated Serial Number Trace Request Form (ATC 3312.1OBL). The Office CSI will return the firearm to the original CSI or to the Property Section.

The Office CSI will submit the completed ATF NTC Form to the Evidence Section. The Property and Evidence Technician will mail the completed ATF NTC Form to the National Tracing Center in Falling Waters, West Virginia.

The Office CSI shall maintain proper Department of Justice certification for the serial number restoration process.

802.2.6 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

802.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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Records Retention, Maintenance, and Destruction

803.1 POLICY

It is the policy of the El Dorado County Sheriff's Office to ensure official records are properly maintained, retained, sealed, purged, and destroyed in accordance with applicable laws, codes and regulations.

803.2 PURPOSE

The purpose of this policy is to establish guidelines for the retention, maintenance, and destruction of all official records created and maintained by the El Dorado County Sheriff's Office.

803.3 DEFINITIONS

Record or Records: Any information (written, audio, electronic or otherwise) that is prepared, owned, used or retained by any state or local agency relating to the conduct of the public's business.

803.4 PROCEDURE

803.4.1 RECORDS MAINTENANCE

(a) All Records relating to the conduct of daily business shall be kept in a secure environment. Use and access shall be restricted to those persons authorized access by work necessity and legal stature.

1. Unit Managers and Division Commanders shall designate areas for use and storage of records in their respective areas of responsibilities.
2. The Support Services Manager shall maintain employee personnel files.

(b) Files may be separated by usefulness, namely active use (daily or frequent use) and inactive use (limited or infrequent use).

1. Active files shall be stored in a manner consistent with the business application and need of the Unit/Division maintaining the file.
2. Inactive files shall be maintained in archival status in preparation for eventual destruction.

(c) Archived files shall be appropriately labeled to indicate:

1. Date the record/file was created or received
2. Description of contents, if not visually identifiable
3. Retention period
4. Destruction/purge date(s)
5. Type of record (confidential or public)

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803.4.2 RECORDS DESTRUCTION

(a) Confidential or sensitive records shall be destroyed in a manner that ensures that the integrity of the information is not compromised.

(b) Unit Managers and Division Commanders shall be responsible for ensuring that the Records in their units or divisions are purged and destroyed in accordance with this policy.

(c) An employee causing a record/file to be destroyed shall complete a Notice of Destruction, certifying that the records have been destroyed.

1. A Certificate of Destruction must be submitted with the Notice of Destruction if the destruction of records is contracted.
2. The employee having responsibility for destruction of records shall secure a Certificate of Destruction from the contract company.
3. All Notices of Destruction and Certificates of Destruction shall be forwarded to the custodian of records in Support Services.
4. Notices of Destruction and Certification of Destruction shall be maintained with the custodian of records in Support Services for 4 years, after which they may be discarded.

(d) Absent alternative direction by the Sheriff or his designee, El Dorado County Sheriff's Office records shall be destroyed in accordance with the "Records Retention and Destruction Schedule" attached to this policy.

1. The retention period listed shall be the minimum amount allowed by law or contract for the record, recording, video, telephone or radio communication.
2. The Division Commander may retain records longer than required by law, but must establish and implement a plan for destroying them.

(e) Any record, recording, telephone, radio or video communication that is the subject of a pending claim or litigation shall not be destroyed until such claim or litigation is resolved.

803.4.3 POLICY REVISION

(a) All Department policies will be reviewed not less than once a year. The Support Services Division will establish an annual schedule.

803.5 RECORDS RETENTION AND DESTRUCTION SCHEDULE

803.5.1 CRIME REPORTS AND SUPPLEMENTS

TYPE OF RECORD or COMMUNICATION	**MINIMUM RETENTION PERIOD**	**REFERENCE**
(Non-Homicide) felonies, misdemeanors and infractions	2 years.	Gov't. Code 26202

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(Non-Homicide) felonies, misdemeanors and infractions	**Do not destroy** if: (1) Relate to unserved warrant (2) Relate to outstanding missing person report (3) Relate to criminal death case (4) Relate to violation listed in Penal Code 799 and 800 (5) Relate to pending criminal and civil litigation.	Internal records policy
Homicides	Permanently	No Statute of limitations
Non-Criminal reports (service and incident)	2 years.	Gov't. Code 26202
Records pertaining to the arrest or conviction of any person for violation of 11357(b), (c), (d), (e) or 11360(b) of the Health and Safety Code (Occurring after January 1, 1976)	2 years from date of conviction or arrest (if not convicted), except for minors where records shall be retained until minor reaches age 18.	Health & Safety Code 11361.5
Records pertaining to the arrest or conviction of any person for violation of 11357(b), (c), (d), (e) or 11360(b) of the Health and Safety Code (Occurring before January 1, 1976)	Mandatory destruction of record as long as (1) the only entries upon the record pertain to the arrest or conviction and (2) the record can be destroyed without effecting the destruction of other records.	Health & Safety Code 11361.5(c)
Records of lost and found items, which have been lawfully disposed of, over 2 years old	2 years.	Govt. Code 26202
Juvenile records	5 years unless otherwise ordered by the court.	Welfare & Inst. Code 389, 781, 781.5
Citations: parking and traffic	1 year.	Govt. Code 26201
Field Interview data	2 years.	Govt. Code 26202
All indexes (includes index cards and electronic index which relates to a case document)	Retain until documents on the index are destroyed, then destroy index.	Govt. Code 26202
Sheriff daily activity case log	2 years.	Govt. Code 26202
Pawn slips	1 year.	Govt. Code 26201
Permits,licenses and applications: Concealed weapon, Live Scan, Christmas tree, card room dealer, sales, explosive, etc.	2 years after expiration or no activity.	Govt. Code 26202
Permit and license applications denied: All	2 years.	Govt. Code 26202
Sealed records, adult (court order) may include reports, bookings, finger prints, mug shots, etc.	Upon court order: seal record for three years from date of arrest or conviction, then destroy record.	Penal Code 851.8

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Sealed records:Juvenile (court order) may include reports, photos, fingerprints,etc.	5 years if pursuant to WIC 626 by court order.	Welfare & Institution Code 781
Restraining orders, Emergency Protective Orders, Temporary Restraining Orders, legal stipulations, orders after hearing, harassment orders (enforcement action described in PC 273.5, 273.6, 646.9, 12028.5, 13700 and Family Code 6380-6383)	Upon expiration.	Govt. Code 26201
Sex registrant files. Penal Code 290	2 years per Code. *EDSO policy is retention of records until registrant is 100 years of age, or for 10 years from date of release from supervision, whichever is longer. Deceased registrant record can be destroyed.	Govt. Code 26202
Narcotic registrant files. Health & Safety Code 11590	2 years per Code. *EDSO policy is retention for 5 years after the release from probation or parole, or registrant becomes deceased, or if DOJ notifies subject no longer required to register.	Govt. Code 26202
Arson registrant files. Penal Code 451.1	2 years per Code. *EDSO policy is to retain until registrant is released from probation or parole, or registrant becomes deceased, or if DOJ notifies subject no longer required to register.	Govt. Code 26202
Arson registrant files (juvenile). Penal Code 457.1(d)(e)	Retain until juvenile reaches the age of 25 years, unless court orders sealed.	Penal Code 457.1(d)(e)
Duplicate of all reports/documents	May be destroyed when duplicate is no longer needed by EDSO.	Govt. Code 26201
Firearm dealer records	May be destroyed when duplicate is no longer needed by EDSO.	Govt. Code 26201
Coroner reports	Indefinite as the "coroner's register". In lieu of the register the coroner may keep an official file for each deceased person.	Govt. Code 26205, Govt. Code 27463, Govt. Code 27463.5, Govt. Code 27491

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Crime and warrant statistics: Prepared for submission to DOJ or EDSO use; Yearly crime and warrant statistics; In-house Arrest Register, adult and juvenile; **DOJ MONTHLY REPORTS**: Return A07 Major Crimes and Clearances; Arson Report; Domestic Violence Reports; Officer Assaulted/Killed; Hate Crime Report; Elder Abuse Report; Homicide Report	2 years.	Govt. Code 26202
Criminal history log	2 years.	Govt. Code 26202
Request to review record form	2 years.	Govt. Code 26202
Miscellaneous Files and Records: Includes letters, memos, reports or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years.	Govt. Code 26202

803.5.2 PUBLIC ADMINISTRATOR

TYPE OF RECORD or COMMUNICATION	**MINIMUM RETENTION**	**REFERENCE**
CASE FILES: Probated Estates	Permanent: all orders, judgments, and decrees of the court, all inventories and appraisals, all wills and codicils of the decedent filed in the case, including those not admitted to probate. All other records: retain for 5 years after final disposition of the estate.	Govt. Code 68152(a)11, Govt. Code 26205
CASE FILES: Non-Probate Estates	3 years after close date.	Probate Code 7665. Gov't. Code 26205
CASE FILES: Beneficiary is a minor	5 years after the date of final delivery of money or property, or date minor turns 23 years of age.	Govt. Code 68152(a)11, Govt. Code 26205
Public Administrator trust account worksheets	2 years.	Govt. Code 26202
Decedent personal property: No next of kin located.	Keep for 3 years after close date; then donate or dispose.	Probate Code 7665

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803.5.3 DISPATCH

TYPE OF RECORD or COMMUNICATION	**MINIMUM RETENTION**	**REFERENCE**
Central Dispatch daily briefing logs and briefing materials	2 years.	Govt. Code 26202
911 call printout log	2 years (stored in ECaTS).	Govt. Code 34090
Tow log	2 years.	Govt. Code 26202
Recordings of telephone and radio communications originating from or to Central Dispatch.	2 years. Or 100 days, with destruction approval from the legislative body and the written consent of the county attorney. And until final disposition of any pending legal action or litigation.	Govt. Code 26202 Govt. Code 26202.6, Govt. Code 34090.6
Miscellaneous files and records: Includes letters, memos, reports, or documents other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years.	Govt. Code 26202

803.5.4 ACCOUNTING

TYPE OF RECORD or COMMUNICATION	**MINIMUM RETENTION**	**REFERENCE**
Paid claims	2 years.	Govt. Code 26202
Credit Card justifications	2 years.	Govt. Code 26202
Canceled checks and Banking records	2 years.	Govt. Code 26202
County deposit permits	2 years.	Govt. Code 26202
Trust Account accounting records	2 years.	Govt. Code 26202
Journal entries	2 years.	Govt. Code 26202
Appropriation transfers	2 years.	Govt. Code 26202

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Grant fiscal records and application records	3 years. Or as required by Grantor.	As required by Grantor.
Jail Transportation state reimbursement, Inmate counts, and Extraditions	2 years.	Govt. Code 26202
Daily jail rate	2 years.	Govt. Code 26202
Jail reimbursement, Morrissey hearings, Federal & State prisoner holds, and other misc. reimbursements	2 years.	Govt. Code 26202
Commissary shift balance sheets	2 years.	Govt. Code 26202
Payroll records, Pay Period printout reports, Employee payroll records, Overtime reports, and Sick Leave reports	3 years.	Labor Code 1174, 29 C.F.R. 1627.3
Time sheets	2 years.	Govt. Code 26202
Budget documents	2 years or as determined by the CFO.	Govt. Code 26202
210 and 220 reports	2 years.	Govt. Code 26202
Agenda transmittals	2 years.	Govt. Code 26202
Contracts and Agreements	4 years.	Govt. Code 337
Inventory reconciliations	2 years.	Govt. Code 26202
Judicial data system	2 years.	Govt. Code 26202
Miscellaneous files and records: includes letters, memos, reports, and documents other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202

803.5.5 SUPPORT SERVICES

TYPE OF RECORD or COMMUNICATION	**MINIMUM RETENTION**	**REFERENCE**

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Internal Affairs: Investigation of citizen and internal complaints against employees of the Sheriff's Office. Includes Internal Affairs investigation files, employee interviews, witness and complainant statements, disciplinary reports, record of actions taken, and any related documents.	No sustained finding of misconduct, retain 5 years. Sustained finding of misconduct, retain 15 years. And until final disposition of any pending legal action or litigation. And until any pending record request is finished processing.	Penal Code 832.5, Penal Code 5021 and Govt. Code 12525
Personnel: Personnel records for all employees, including those terminated or who resigned in lieu of termination. Includes background investigations, performance evaluations, commendations, and other records concerning hiring, promotion, demotion, transfer, lay-off or termination, rates of pay or other terms of compensation.	5 years after date of separation. And 15 years after a sustained finding of misconduct. And until final disposition of any pending legal action or litigation. And until any pending record request is finished processing.	Penal Code 832.5
Requisitions	County HR maintains this record.	
Requests for reasonable accommodations and application forms	County Risk Management maintains this record.	
Background Files of people who applied but were not selected for employment with the Sheriff's Office. Includes background investigations, criminal records, summaries of findings and polygraph/CVSA examination results.	4 years from date records were created or received, and until final disposition of any pending legal action or litigation.	Govt. Code 12946, 2 CCR 7287.0
Background Files of people who applied and were selected for employment with the Sheriff's Office. Includes background investigations, criminal records, summaries of findings and polygraph/CVSA examination results.	4 years from date of separation, and until final disposition of any pending legal action or litigation. Includes 832.5 investigations.	Govt. Code 12946, 2 CCR 7287.0
Original applications and oral board scores	County HR maintains this record.	
Recruitment files and Examination test files: Includes brochure, advertisements and tests.	4 years after date of separation.	29 C.F.R. 1602 et seq., 29 C.F.R. 1627.3, Govt. Code 12946, Govt. Code 26202

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Discrimination claims	County HR maintains this record.	
Grievances	County HR maintains this record.	
Records created for the completion of an EEO report.	County HR maintains this record.	
Records pertaining to the administration of polygraph/ CVSA examinations of employees in connection with ongoing investigation involving economic loss or injury, misconduct, criminal, or otherwise.	3 years after the date the examination is administered, or after the date of the request if no test is administered.	29 C.F.R. 801.30
Workers Compensation Records: Including active and inactive/closed claims (original documents), Injury / Illness / Exposure records, and Health and OSHA inspections and logs of injuries and illnesses.	County HR maintains this record.	
Training Records: Includes employee training files, POST/ STC training records, and C.I.P. records, certifications of classes, and miscellaneous reports.	4 years after date of separation, and until final disposition of any pending legal action or litigation.	29 C.F.R. 1627.3, Govt. Code 12946 Govt. Code 26202
Vehicle Accident Reports	5 years after date of review.	EDSO Policy
Equipment Inventory	2 years.	Govt. Code 34090
Miscellaneous Files and Records: Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202

803.5.6 CUSTODY DIVISION

TYPE OF RECORD or COMMUNICATION	**MINIMUM RETENTION**	**REFERENCE**
Divisional Records: Includes inmate grievances, inmate request forms, inmate infractions, inmate injury reports, housing unit logs, control logs, daily assignment sheets, employee rosters, employee reports, incident reports, AED reports, and correspondence.	2 years and until final disposition of any pending legal action or litigation.	Govt. Code 26202

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Inmate Records: Includes booking and custody records, such as pre-booking sheet, completed property card, jail copy of court order(s), jail copy of Affidavit re: Probable Cause, miscellaneous computer print outs, grievances, and inmate requests for information, charges and dispositions, and changes and modifications to charges.	2 years from date of release and until final disposition of any pending legal action or litigation. Retention period may be extended as required by specific grants, contracts or other compliance requirements. Homicide arrest records will be kept permanently.	Govt. Code 26202
Bail Bond Log: Includes a list of the bail bond amount and the date of the deposit.	3 years from exoneration or release of bail.	Penal Code 1269
Cash Bail Log: Includes receipts for bail and the money paid.	3 years from exoneration or release of bail.	Penal Code 1269
Lost Property Reports: Includes records of property lost or alleged to have been stolen, embezzled, or taken from a person in custody.	2 years and until final disposition of any pending legal action or litigation.	Penal Code 1413, Govt. Code 26202
Pro Per services files	2 years after final disposition of the pending legal action or litigation.	Govt. Code 26202
Cal Gang database information	2 years.	Govt. Code 26202
Records of financial activities; Including receipts for monies received for various services and functions, deposit receipts, cash disbursements, cash reimbursement requests, bank statements, and financial reports.	2 years.	Govt. Code 26202
Payroll records: For each employee, indicating name, address, date of birth, occupation, rate of pay, and compensation earned each week, and employee rosters.	3 years.	29 C.F.R. 1627.3, Labor Code 1174
Service and Maintenance records: Records for services to the community that are non-crime related, such as facility maintenance and inspection reports, work orders, and State Board of Corrections inspections.	2 years.	Govt. Code 26202
Health and OSHA; inspections and logs of injuries and illnesses.	5 years beyond the calendar year of the data.	29 C.F.R. 1904.33

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Miscellaneous Files and records: Includes letters, memos, reports and documents other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years.	Govt. Code 26202

803.5.7 OPERATIONS

TYPE OF RECORD or COMMUNICATION	**MINIMUM RETENTION**	**REFERENCE**
After Action reports	2 years.	Govt. Code 26202
Confidential Informant file	2 years.	Govt. Code 26202
Narcotic Intelligence file	2 years.	Govt. Code 26202
Gang files	2 years.	Govt. Code 26202
Inventories	2 years.	Govt. Code 26202
Schedules	2 years.	Govt. Code 26202
Use of Force Report	2 years.	Govt. Code 26202
Use of Force Report, Annual Review	2 years.	Govt. Code 26202
Miscellaneous files and records: Includes letters, memos, reports and documents other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years.	Govt. Code 26202

803.5.8 PROPERTY AND EVIDENCE

TYPE OF RECORD or COMMUNICATION	**MINIMUM RETENTION**	**REFERENCE**
Evidence	Closed Case.	Statute of Limitations
Gun destruction logs / Court orders	2 years.	Govt. Code 26202
Narcotic destruction log / Court orders	2 years.	Govt. Code 34090
Property Room Access Log	2 years.	Govt. Code 26202
Yearly property audit	2 years.	Govt. Code 26202

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803.5.9 INFORMATION TECHNOLOGIES

TYPE OF RECORD or COMMUNICATION	**MINIMUM RETENTION**	**REFERENCE**
CAD events	2 years.	Govt. Code 34090
MDT messages	100 days.	Govt Code 34090.6
Monthly officecrime statistics	2 years.	Govt. Code 26202
Press releases	2 years.	Govt. Code 26202, Govt. Code 34090
Recordings of video monitoring: Includes video or records from an electronic imaging system.	2 years. Or 1 year with destruction approval from the legislative body and the written consent of the county attorney. And until final disposition of any pending legal action or litigation.	Govt. Code 34090, Govt. Code 34090.6, Govt. Code 34090.7
Miscellaneous files and records: Includes letters, memos, reports and documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years.	Govt. Code 26202

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Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Office records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The El Dorado County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of Office public records.

(b) Maintaining and updating the Office records retention schedule including:

1. Identifying the minimum length of time the Office must keep records.
2. Identifying the Office division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of Office public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).

(g) Determining how the Office's website may be used to post public records in accordance with Government Code § 7922.545.

(h) Ensuring that all Office current standards, policies, practices, operating procedures, and education and training materials are posted on the Office website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Office website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and

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posted in a prominent location on the Office's website (Government Code § 7922.710; Government Code § 7922.720).

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this Office, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

(a) The Office is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain Office records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Office shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

    (a) When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).

    (b) If the record requested is available on the Office website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Office. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

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(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

(a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the Office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any Office record, including traffic collision reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 7922.200).

(c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).

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1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating deputies (Evidence Code § 1041; Government Code § 7923.605).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the [District/CountyAttorney], the County Counsel, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

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(l) Any record created exclusively in anticipation of potential litigation involving this Office (Government Code § 7927.200).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

(n) Records relating to the security of the Office's electronic technology systems (Government Code § 7929.210).

(o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

804.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Office name and to whom the record was released.

Each audio/video recording released should include the Office name and to whom the record was released.

804.8 SEALED RECORD ORDERS

Sealed record orders received by the Office shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

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When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

804.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

804.9 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Office information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Office determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

(a) Social Security number

1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
3. Medical information
4. Health insurance information
5. Information or data collected by Automated License Plate Reader (ALPR) technology
6. Unique biometric data
7. Genetic data

(b) A username or email address, in combination with a password or security question and answer that permits access to an online account

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804.9.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

  (a) The date of the notice.

  (b) Name and contact information for the El Dorado County Sheriff's Office.

  (c) A list of the types of personal information that were or are reasonably believed to have been acquired.

  (d) The estimated date or date range within which the security breach occurred.

  (e) Whether the notification was delayed as a result of a law enforcement investigation.

  (f) A general description of the security breach.

  (g) The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the El Dorado County Sheriff's Office has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect themself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

  (a) Notification may be provided electronically or in another form directing the person to promptly change either their password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Office in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.

  (b) When the breach involves an email address that was furnished by the El Dorado County Sheriff's Office, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

804.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

  (a) Written notice.

  (b) Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

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(c) Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Office does not have sufficient contact information. Substitute notice shall consist of all of the following:

(a) Email notice when the Office has an email address for the subject person.

(b) Conspicuous posting of the notice on the Office's webpage for a minimum of 30 days.

(d) Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Office to notify more than 500 California residents, the Office shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

804.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a Deputy, Correctional Officer or Sheriff's Security Officer, or depicts an incident in which the use of force by a Deputy, Correctional Officer or Sheriff's Security Officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Sheriff or the Internal Affairs Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

804.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the office knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the office demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

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804.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Sheriff in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

804.10.3 REDACTION

If the Custodian of Records, in consultation with the Sheriff or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Office should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

804.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Office may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

(a) The person in the recording whose privacy is to be protected, or the person's authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

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If the Office determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Office may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

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Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the El Dorado County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the office and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the El Dorado County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the El Dorado County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Sheriff shall select a member of the office to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, El Dorado County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

All EDSO personnel and various outside vendors are assigned access cards which must be used to gain access to secured locations. All entries into secured locations shall be logged and audited. Support Services oversees this information.

All EDSO personnel shall be assigned log-in credentials that will be used to authenticate the identity of the user when accessing the EDSO's information domain. The user is responsible for proper protection of the credentials from unauthorized theft, use, or disclosure.

Users who violate this policy shall immediately have their access suspended or revoked and EDSO personnel may be subject to disciplinary action.

805.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

805.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Criminal Records Security Officer

(b) Records Manager

(c) Full-time employees of the Records Unit

(d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

805.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

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CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the deputy or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

805.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the office after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

805.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of deputies, other office members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or office-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

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- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual’s combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the office to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

805.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

EDSO personnel shall not seek to exploit or otherwise abuse any data accessible within the information domain for their own personal gain. They must take all reasonable precautions to ensure privacy is maintained under the law while handling information in any form, including but not limited to voice recordings, digital media, and printed paper.

MEDIA PROTECTION

Unauthorized portable storage devices such as USB drives and external hard drives, smartphones, laptops, and tablets may not be connected to the EDSO computer or network device. To reduce the risk of malware infections, only County-approved portable storage devices may be used. If a portable storage device is required for County business, the IT Staff will assist the User.

Personally owned software, or any other software not specifically authorized or licensed for County use may not be installed on County-owned workstations or mobile devices unless previously approved through the chain of command.

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EDSO information systems shall generate audit records of defined events including identifying significant events that need to be audited as relevant to the security of the information system. Support Services oversees this information.

DESTRUCTION OF MEDIA

All Confidential Data on Physical Media such as hard drives, USB's, CD's etc. must be properly destroyed by being booked for destruction with the EDSO property unit. The property unit will oversee the proper destruction of such media. "Strip cut" shredders are not to be used for any confidential data.

All Confidential Electronic Media must be sanitized or the memories wiped clean or destroyed depending on the intended final disposition or use. IT is responsible for the sanitization of such devices.

805.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

805.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Unit and in the Investigations Unit to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

805.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

805.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Supervisor, unless otherwise directed by the Support Services Division Commander, shall be the office's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Support Services Division Commander may appoint other office employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

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The Support Services Division Commander will ensure that they make the appropriate applications and notifications to the California Department of Justice regarding the office's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

805.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

805.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the office files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

805.10 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

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Computers and Digital Evidence

806.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs), digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

806.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

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[redacted]

806.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

806.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- [redacted]
- [redacted]
- [redacted]
- [redacted]

806.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

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806.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

[redacted]

806.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Deputies handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

806.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

806.5.2 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Jeanne Clery Campus Security Act

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this Office fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

807.2 POLICY

The El Dorado County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any El Dorado County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the El Dorado County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the El Dorado County Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

807.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

(a) Ensure that the El Dorado County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).

    (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).

2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).

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3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).

4. Notify the El Dorado County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

5. Notify the El Dorado County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

807.3.1 ADDITIONAL REQUIREMENTS

The Sheriff or the authorized designee will also (Education Code § 67386):

(a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence, and stalking involving a student whether it occurred on- or off-campus including:

1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.

2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications, and participation by victim advocates and other supporting individuals.

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(b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

(c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.

(d) Ensure that any reported Part 1 violent crime, sexual assault, or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the El Dorado County Sheriff's Office or the institution (Education Code § 67380).

1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have their personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees, or the institution, and the immediate assistance of the El Dorado County Sheriff's Office is necessary to contact or detain the assailant (Education Code § 67380).

2. If the institution discloses the identity of the alleged assailant to the El Dorado County Sheriff's Office, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

(e) Ensure the victim receives the following information:

(a) Options on rights to obtain a sexual assault forensic medical examination including the right to be accompanied to the examination by a certified sexual assault counselor and/or support person of the victim's choosing.

(b) How to access transportation to an examination site, including transportation options provided or arranged by the campus.

807.4 RECORDS COLLECTION AND RETENTION

The Records Manager is responsible for maintaining El Dorado County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this Office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder

2. Sex offenses, forcible or non-forcible

3. Robbery

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4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
10. Dating violence, domestic violence and stalking

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
    (a) On campus.
    (b) In or on a non-campus building or property.
    (c) On public property.
    (d) In dormitories or other on-campus, residential or student facilities.

(c) Statistics will be included by the calendar year in which the crime was reported to the El Dorado County Sheriff's Office (34 CFR 668.46(c)(3)).

(d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

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807.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the El Dorado County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Office.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the sheriff's Office.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

807.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Manager is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

(a) All occurrences reported to the El Dorado County Sheriff's Office and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

(b) All occurrences of noncriminal acts of hate violence reported to the El Dorado County Sheriff's Office for which a written report is prepared.

807.5 INFORMATION DISSEMINATION

It is the responsibility of the Support Services Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46 (g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes.

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Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
   (a) Procedures victims should follow.
   (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

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Chapter 9 - Custody

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Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the El Dorado County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of Office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any Office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

900.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the El Dorado County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted

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by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this Office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another Office member. The inventory should include the case number, date, time, member's El Dorado County Sheriff's Office identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The Office member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.5 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

(a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.

(b) Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

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900.6 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

900.7 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Office.

The Sheriff or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

    1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

(b) Providing deputies with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent a deputy from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

900.8 STRIP SEARCHES

No individual in temporary custody at any El Dorado County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

    1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on Office members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be

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determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.8.1 STRIP SEARCH PROCEDURES

Strip searches at El Dorado County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Shift Supervisor shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Supervisor.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex, and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based their belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

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(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Shift Supervisor shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

900.8.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Supervisor authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Supervisor authorization does not need to be in writing.

900.9 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary Office members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

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1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Supervisor's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any Office members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

900.10 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Prison Rape Elimination

901.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the El Dorado County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

901.2 POLICY

The El Dorado County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Office will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The El Dorado County Sheriff's Office will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

901.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee Office efforts to comply with PREA standards in the El Dorado County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and Office leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.

(h) Publishing on the Office's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
2. A protocol describing the responsibilities of the Office and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

(l) Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

901.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the Office zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Office and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

901.4.1 MEMBER RESPONSIBILITIES

Office members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Shift Supervisor any knowledge, suspicion, or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against individuals in custody or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any Office member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

901.4.2 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor shall report to the Office's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Supervisor shall also report the allegation as required under mandatory reporting laws and Office policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Shift Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Supervisor shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the Office shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

901.5 INVESTIGATIONS

The Office shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received Office-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

901.5.1 FIRST RESPONDERS

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

901.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects, and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a detainee or a member of the El Dorado County Sheriff's Office.

(f) Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

901.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this Office shall not be used as a basis for terminating an investigation (28 CFR 115.171).

901.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether

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the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

901.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the Board of Supervisors. The Sheriff or the Board of Supervisors shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for Office members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

901.6 RETALIATION PROHIBITED

All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

901.7 REVIEWS AND AUDITS

901.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days

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of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

901.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the Office's progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the Office website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

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All aggregated sexual abuse data from El Dorado County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the Office website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

901.8 RECORDS

The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

901.9 TRAINING

All Office members and contractors who may have contact with individuals in custody shall receive Office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Office's zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

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The Training Sergeant shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current Office members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the El Dorado County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this office.

1000.2.1 VETERAN'S PREFERENCE

Qualifying veterans of the armed forces of the United States shall receive a veteran's preference as applicable. Preference points shall be added after the applicant has received a passing score on an entrance exam and is qualified for placement on the employment list (Government Code § 18978).

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The El Dorado County Department of Human Resources maintains standards for all positions.

The Office maintains a job-valid and non-discriminatory set of policies which allow it to lawfully exclude persons who do not meet the El Dorado or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid California driver's license.

(b) The ability to drive safely.

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

(e) The following shall be disqualifying:

1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

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2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to their honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following shall be disqualifying:

1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application.

2. Conviction for two or more misdemeanor offenses under California law as an adult.

3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers).

4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).

5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.

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6. Admission(s) of any act of domestic violence as defined by law, committed as an adult.
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
8. Any history of actions resulting in civil lawsuits against the applicant or their employer may be disqualifying.

1000.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls, etc.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.

(e) A willingness to work the hours needed to complete a job.

(f) The following shall be disqualifying:

1. Missing any scheduled appointment during the process without prior permission.
2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations.
3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.
4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.
5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.
6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to laws, statutes, codes, etc.

(c) The ability to learn and to apply what is learned.

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(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.

(e) The following shall be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.

2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement.

1000.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy.

(c) Discretion, not enforcing the law blindly.

(d) Effectiveness in dealing with people without arousing antagonism.

(e) The ability to understand the motives of people and how they will react and interact.

(f) The following shall be disqualifying:

1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.

2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.

3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

(d) The ability to make effective, logical decisions under pressure.

(e) The following shall be disqualifying:

1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws.

2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

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1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:

1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment.
2. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment.
3. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field.
4. Any adult manufacture or cultivation of a drug or illegal substance.
5. Failure to divulge to the office any information about personal illegal use or possession of drugs.
6. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.

(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

1. Any illegal use or possession of a drug as a juvenile.
2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above.
3. Any illegal or unauthorized use of prescription medications.

1000.4 POLICY

In accordance with applicable federal, state, and local law, the El Dorado County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.5 RECRUITMENT

The Support Services Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

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(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive Office website and the use of Office-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Support Services Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.6 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).

2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).

(b) Driving record

(c) Personal and professional reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

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(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).

(j) Review board or selection committee assessment

(k) Relevant national and state decertification records, if available

(l) Any relevant information in the National Law Enforcement Accountability Database

1000.6.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.7 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the El Dorado County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.7.1 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.7.2 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Sheriff, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the El Dorado County Sheriff's Office, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

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1000.7.3 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.7.4 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.7.5 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Support Services Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Support Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate, and validated.

(c) The Office fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Support Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.7.6 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

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The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Support Services Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1000.7.7 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

(a) Reports and documentation for candidates hired by the Office shall be retained for the entire term of employment and a for a minimum of four years after separation from the Office.

(b) Reports and documentation for candidates not hired by the Office for a minimum of four years.

1000.7.8 CONFIDENTIAL POST RECORDS

Records released to the Office from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

1000.8 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

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A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.9 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.9.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions.

(b) Be legally authorized to work in the United States under federal law.

(c) At least 21 years of age except as provided by Government Code § 1031.4.

(d) Fingerprinted for local, state, and national fingerprint check.

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953).

(f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution.

(g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955).

(h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681).

(i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

    (a) Reading and writing ability assessment (11 CCR 1951).

    (b) Oral interview to determine suitability for law enforcement service (11 CCR 1952).

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(j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f).

(k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Office (Penal Code § 13510(d)).

1000.9.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

(a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957).

(b) An oral communication assessment (11 CCR 1958).

(c) A medical evaluation (11 CCR 1960).

1000.10 PROBATIONARY PERIODS

The Support Services Division Commander should coordinate with the El Dorado County Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Selection Policy

1001.1 PURPOSE AND SCOPE

This policy establishes guidelines governing the selection of personnel for specialized assignments within specific job classifications. This applies to all members within the Sheriff's Office. Sheriff's supervisors and managers, whose assignments may be changed by the Sheriff at any time, are excluded.

1001.2 POLICY

It is the policy of the Sheriff's Office to provide career development opportunities to its employees and ensure the most suitable candidates are selected for specialized positions.

1001.3 SELECTION

Upon a vacancy being created or the anticipation of a vacancy, the Division Commander where the position exists will initiate the recruitment process. The recruitment will be initiated through an Information Bulletin. The Information Bulletin will include the following:

(a) Position description

(b) Minimum qualifications

(c) Testing/selection process (if any)

(d) Timelines for consideration

Should no candidate express interest in the assignment, the Sheriff or the authorized designee will select an employee for the assignment from among employees within the specified job classification pursuant to the County of El Dorado Personnel Rules.

If the assignment is a full time position (investigator, work program officer, etc) or one for which skill pay is attached (FTO, JTO, K9, etc.), the selection process will include the following steps:

(a) The Division Commander, or their designee, will assemble a panel and schedule all candidates for interviews.

(b) The interview panel will be comprised of at least two Sheriff's Office employees, and may include a member of the community.

(c) Candidates should consider the interview a formal process and should be properly prepared.

(d) Oral board members will be given evaluation forms for rating each candidate's performance and suitability for the assignment.

(e) After the interviews are concluded, the board's numerical ranking will be forwarded to the Sheriff for final selection, via the chain of command.

(f) The list will remain in effect for a period of six months following the date the Division Commander receives the panel's numerical ranking.

NOTE: Nothing in this policy shall prevent the Sheriff from exercising the right to reassign employees as described in the County of El Dorado Personnel Rules. Nor shall it prevent a Division

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Commander, with approval of the Sheriff, from reassigning personnel in like assignments within their Division based on the needs of the Division and/or the office (e.g. reassigning a sex crimes detective to property crimes).

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The employee performance evaluation system is designed to record work performance for both the office and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The El Dorado County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The office evaluates employees in a non-discriminatory manner without bias based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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1002.3.1 RESERVE DEPUTY EVALUATIONS
Reserve deputy evaluations are covered under the Reserve Deputies policy.

1002.3 FULL TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time civilian personnel during the probationary period.

Public Safety Dispatchers are on probation for 18 months before being eligible for certification as permanent employees.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees.

1002.4 FULL TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1002.4.1 RATINGS
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Exceeds Standards –This represents performance that is better than the required standard of a fully competent employee and is superior to what is expected. Any factor receiving this rating must have comments describing the reasons the employee exceeds standards.

Meets Standards – This is the expected performance of a fully competent employee. This represents satisfactory performance that meets the standards required of the position.

Improvement Needed – This represents a level of performance that is less than that expected of a fully competent employee and less than the standards required of the position. Any factor receiving

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this rating must have comments describing the reasons the employee needs improvement. An Improvement Needed rating must be thoroughly discussed with the employee.

Unacceptable – This represents performance that is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated. Any factor receiving this rating shall be substantiated in the rater comments section. An unacceptable rating must be thoroughly discussed with the employee.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement.

1002.5 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities.

Following the submission and approval of the performance evaluation report, the supervisor and employee will sign and date the evaluation. Employees may also write comments in the employee comment section of the performance evaluation report.

1002.5.1 DISCRIMINATORY HARASSMENT REVIEW

At the time of each employee performance evaluation, the reviewing supervisor shall require the employee to read the office Discriminatory Harassment policy. Following the policy review, the supervisor shall confirm the following with the employee:

(a) That the employee understands the Discriminatory Harassment policy.

(b) That any questions the employee has regarding the policy have been sufficiently addressed.

(c) That the employee knows how and where to report Discriminatory Harassment policy violations.

(d) Whether the employee has been the subject of, or witness to, any conduct that violates the Discriminatory Harassment policy which has not been previously reported.

Confirmation that the Discriminatory Harassment policy review was completed shall be included with the evaluation. If the employee expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow up action is taken.

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1002.6 EVALUATION REVIEW

After the supervisor finishes the preliminary evaluation discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor. The rater's supervisor shall review the evaluation for fairness, impartiality, uniformity, and consistency. The rater's supervisor will also evaluate the rating supervisor on the quality of the performance evaluation completed.

1002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to County Department of Human Resources.

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Peer Support

1003.1 PURPOSE

The El Dorado County Sheriff's Office recognizes the value of providing an in-house resource for members and their families to support them in managing both professional and personal crises. The purpose of this policy is to provide guidance on establishing and maintaining a proactive Peer Support Team.

1003.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for office members.

1003.3 DEFINITIONS

Critical Incident/Traumatic Event: An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing: A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer Assistance: Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems. Peer assistance is not a replacement for the county's Employee Assistance Program (EAP).

1003.4 PROGRAM PARTICIPATION

The peer support team shall consist of the following positions:

- Program Advisor: Sheriff's Lieutenant or Designee
- Program Coordinator: Sheriff's Sergeant
- Mental Health Professional, Psychologist, and/or Counselor Group Network
- Sheriff's Chaplain(s)
- Selected Peer Support Personnel

1003.5 MEMBER SELECTION

Employees willing to volunteer their time to the Peer Support Program and become a Peer Support team member shall submit a letter or memorandum of interest to the Office of the Sheriff. For selection to participate in the program, employees shall meet the following criteria:

(a) Agree to participate in the program.

(b) Have no work restrictions due to psychological stress.

(c) Are not the subjects of a serious investigation or suffering serious personal issues.

(d) Have earned proficient performance evaluations from supervisors.

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Formal selections shall be made by the Program Advisor and Program Coordinator, with the approval of the Sheriff.

1003.6 TRAINING

(a) New team members shall attend a 24 hour P.O.S.T. approved Peer Support training course.

(b) Peer Support personnel shall participate in periodic training sessions scheduled and developed by the Program Advisor.

1003.7 DUTIES

Peer Support personnel may perform the following functions:

(a) Respond immediately when called upon for critical incidents. Callouts may be made by any Division Commander, Watch Commander, Program Advisor, or Program Coordinator.

(b) Callouts may be made whenever any Division Commander, Watch Commander, Division Manager, Program Advisor or Program Coordinator feels Peer assistance is needed for one or more of their members. The Peer Support Advisor or if unavailable their designee, shall be contacted for each callout or incident. Notification will be made by the Peer Support Advisor to the county's EAP provider, Peer Support Team Members and the Chaplaincy to respond to a critical incident or conduct a Critical Incident Stress Debriefing.

(c) Contact affected personnel to assess their needs and provide necessary assistance.

(d) Provide emotional support to involved personnel who may be experiencing difficult reactions as a result of a critical incident or a personal incident or event.

(e) Provide information to the employee or their family regarding possible reactions they may experience as a result of involvement in a critical incident.

(f) If necessary, suggest resources and refer the employee or family members to a resource(s) outside of the Sheriff's Office.

(g) Contact the employee the day after the incident, or as necessary to assess additional needs.

1003.8 CONFIDENTIALITY

The most important aspect of the Peer Support Program is the promotion of trust, anonymity and confidentiality. With this in mind, it is the intent of the Peer Support Program to keep all communications between Peer Support personnel and employees involved confidential.

Unless the Peer Support team member is directly involved in, or is a direct witness to an incident that is subject of a disciplinary investigation, no information developed in a Peer Support session can or will be used in any possible disciplinary proceedings.

The following are exceptions to confidentiality are:

(a) The Peer Support team member believes that the employee is a danger to self or others.

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(b) The information provided to the Peer Support team member constitutes a criminal offense.

If any of the above conditions exist the Peer Support team member shall report it immediately to the employee's Watch Commander or Division Manager for immediate action or attention.

1003.9 WITHDRAWAL FROM PROGRAM

Peer support personnel may request withdrawal of temporary suspension from the program if serious personal and/or professional problems arise which prevent continued participation. The employee shall write a memorandum to the Program Advisor requesting such withdrawal from the program.

1003.10 PEER SUPPORT COMMUNICATIONS

Although the Office will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crises Referral Service Program).

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Grievance Procedure

1004.1 PURPOSE AND SCOPE

It is the policy of this office that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Office's philosophy is to promote a free verbal communication between employees and supervisors.

1004.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any office employee that, if true, would constitute a violation of office policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1004.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with immediate supervisor.

(b) If the grievance is not settled by informal discussion with the employee's immediate supervisor, then the grievance procedure shall be followed as required by the employee's MOU and/or the County rules and regulations.

1004.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1004.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Support Services for inclusion into a secure file for all written grievances.

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Reporting of Employee Convictions

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Sheriff's Office of any past and current criminal convictions.

The Support Services Division shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR § 1003).

The Support Services Division shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR § 1003).

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1005.4 REPORTING PROCEDURE

All members of this department and all retired deputies with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

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All members and all retired deputies with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1005.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this Office to provide a drug- and alcohol-free workplace for all members.

1006.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Office employees shall not purchase or possess alcohol or other controlled substances on County property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Office employees shall not illegally manufacture any alcohol or drugs while on-duty, on County property or at any other time.

1006.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects which might impair their ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive an agency-owned or agency-leased vehicle while taking such potentially impairing medication without a written release from their physician.

Possession of medical marijuana or being under the influence of marijuana on-duty is prohibited and may lead to disciplinary action.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on Office time can endanger the health and safety of Office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

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1006.3.2 USE OF MARIJUANA
Possession of marijuana, including medical marijuana, or being under the influence of marijuana on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on Office premises or on Office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 SCREENING TESTS

The office may request an employee to submit to a screening test if the office:

(a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing their ability to perform duties safely and efficiently.

(b) Informs the employee of the specific facts supporting its belief and prepares a written record of those facts, and:

1. Informs the employee in writing whether the test will be for alcohol or drugs or both.

2. Informs the employee that the result of the test is not admissible in any criminal proceeding against them.

3. Informs the employee that they may refuse the test but that refusal may result in dismissal or other disciplinary action.

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1006.6.1 SCREENING TEST REFUSAL
An employee is subject to disciplinary action if they:

(a) Fail or refuse to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fail to provide proof, within 72 hours after being requested by their appointing authority, that they took the controlled substance as directed, pursuant to a current and lawful prescription issued in their name.

1006.7 WORK RESTRICTIONS

If a member informs a supervisor that they have consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from their physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that they are safely transported away from the Office.

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Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1007.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall provide the Office no less than 30 days' notice of the impending absence whenever possible and practicable (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected office operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

1007.6 REQUIRED NOTICES

The Human Resources Director shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of Office members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member’s position at the El Dorado County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The El Dorado County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that Office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

2. Bloodborne pathogen mandates including (8 CCR 5193):

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(a) Sharps injury log.

(b) Needleless systems and sharps injury protection.

3. Airborne transmissible disease mandates including (8 CCR 5199):

(a) Engineering and work practice controls related to airborne transmissible diseases.

(b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.

4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).

5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.

6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other Office members to fulfill the role when not available. The designated officer shall Office ensure that the name, title, and telephone number of the designated officer is posted on the website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or Office vehicles, as applicable.

(b) Wearing Office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

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(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1008.4.3 PROTECTIVE HOOD

A Protective Hood or "Spit Sock" is a temporary protective hood for use on in-custody subjects where a risk of exposure to infectious disease is present. If used properly, a protective hood can reduce the risk of the wearer transmitting fluids (saliva and mucous) from the facial area, from spitting, sneezing or coughing.

The protective hoods issued by the Sheriff's Office are single-use disposable protective equipment items. Protective hoods should be properly disposed of after use and shall never be reused on different people.

Improper use may result in serious injury or death due to asphyxiation, suffocation or drowning in ones own fluids.

The following conditions for use shall be followed:

(a) The protective hood should only be applied consistent with Sheriff's Office training.

(b) The protective hood should only be applied when a person is in custody and adequately restrained.

(c) Any person subject to the application of the protective hood shall be under constant visual supervision and should never be left unattended.

(d) The protective hood may not be applied to persons vomiting, displaying difficulty breathing, or bleeding profusely from the area of the nose or mouth.

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(e) Jewelry and eyewear should be removed prior to the application of the protective hood when practicable.

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

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(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING
The Office shall provide the member, and their family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1008.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if they refuse.

1008.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

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1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting their potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking Policy

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by members and others while on-duty or while in El Dorado County Sheriff's Office facilities or vehicles.

1009.2 POLICY

The El Dorado County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to other members and to the public. It is the policy of the El Dorado County Sheriff's Office to restrict the use of tobacco products by members while on-duty or while the member is acting in an official capacity for the office.

1009.3 SMOKING AND TOBACCO USE

Smoking while in public view is prohibited anytime members are in uniform or are otherwise representing the Sheriff's Office.

Smoking is not permitted inside office facilities or inside any office vehicles. It shall also be the responsibility of all members to ensure that no other person smokes inside office facilities or vehicles.

- Smoking is not permitted inside any County facility, office or vehicle (California Labor Code § 6404.5).
- No public employee or member of the public shall smoke a tobacco product inside a public building, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building (Government Code § 7597).

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Seat Belts

1010.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in vehicles (Vehicle Code § 27315.5).Office

1010.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1010.2 POLICY

It is the policy of the El Dorado County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1010.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure Office that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1010.4 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California’s child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1010.5 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any Office vehicle with a restraint system or, when a restraint system is not available, by seat belts

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provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1010.6 INOPERABLE SEAT BELTS

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1010.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1010.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members with guidelines for the proper use of body armor.

1011.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1011.3 ISSUANCE OF BODY ARMOR AND STAB VESTS

The Support Services Division shall ensure that body armor is issued to all deputies and Sheriff's Security Officers when they begin service at the El Dorado County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support Services Division shall ensure that stab vests are issued to all Correctional Officers and Correctional Sergeants when they begin service at the El Dorado County Sheriff's Office.

The Support Services Division shall ensure that Correctional Officers and Correctional Sergeants assigned to transportation duties are issued body armor that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support Services Division shall establish a replacement schedule and ensure that replacement of body armor and stab vests are issued pursuant to the schedule or whenever it becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Members shall only wear agency-approved body armor.

(b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when a deputy is working uniformed patrol or taking part in Office range training.

(e) A deputy may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

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(f) Correctional Officers and Correctional Sergeants shall wear stab vests if they are working in a position with inmate contact. When assigned to a transportation detail, issued body armor shall be worn.

(g) Sheriff's Security Officers shall wear body armor when they are on duty and in uniform.

1011.3.2 INSPECTIONS OF BODY ARMOR AND STAB VESTS
Supervisors should ensure that body armor or stab vests are worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1011.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR AND STAB VESTS
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1011.4 RANGEMASTER/ARMORER RESPONSIBILITIES

The Rangemaster/Armorer should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Office approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates members about the safety benefits of wearing body armor.

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Personnel Records

1012.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1012.2 POLICY

It is the policy of this Office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1012.3 OFFICE FILE

The Office file shall be maintained as a record of a person's employment/appointment with this Office. The Office file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently retained.

(e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as supervisor notes or memos may be retained in the Office file after the member has had the opportunity to read and initial the comment (Government Code § 3305).

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1012.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1012.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1012.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff, Undersheriff, Support Services Captain, Support Services Lieutenant, or the Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Office to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1012.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

(f) Work related medical clearances and reports.

1012.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Board of Supervisors, County Counsel or other attorneys or representatives of the County in connection with official business.

1012.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

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Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1012.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this Office may be guilty of a misdemeanor (Penal Code § 146e).

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1012.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of a deputy from this Office for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1012.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to a deputy for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the deputy engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1012.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF DEPUTIES

Personnel records and records related to certain incidents, complaints, and investigations of deputies shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

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The Custodian of Records should work as appropriate with the Sheriff or the Internal Affairs Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against a deputy in connection with an incident, whether the deputy's action was consistent with law and Office policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by a deputy.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by a deputy.
3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
4. A sustained finding that a deputy failed to intervene against another deputy using force that is clearly unreasonable or excessive.

(b) Records relating to an incident where a sustained finding was made by the Office or oversight agency regarding:

1. A deputy engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of a deputy relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another deputy, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

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3. A deputy engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. A deputy made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the deputy resigns before the Office or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple deputies, the Office shall not release information about allegations of misconduct or the analysis or disposition of an investigation of a deputy unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the deputy during an incident or the statements of a deputy shall be released if the statements are relevant to a finding of the qualified allegation against another deputy that is subject to release (Penal Code § 832.7(b)(5)).

1012.9.1 REDACTION

The Custodian of Records, in consultation with the Sheriff or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of deputies

(b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the deputy or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1012.9.2 DELAY OF RELEASE

Unless otherwise directed by the Sheriff, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

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(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against a deputy or against someone other than a deputy who engaged in misconduct or used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until:

(a) There is a determination from the investigation whether the misconduct or use of force violated law or Office policy, but no longer than 180 days after the date of the Office's discovery of the misconduct or use of force or allegation of misconduct or use of force

1012.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than a deputy and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Office must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by deputies.

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In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Office may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

1012.10 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for Office planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

1012.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor

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responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.

(c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Commendations and Awards

1013.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the El Dorado County Sheriff's Office and individuals from the community.

1013.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1013.3 COMMENDATIONS

Commendations for members of the Office or for individuals from the community may be initiated by any Office member or by any person from the community.

1013.4 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander shall review and sign each Commendation Report received for employees under their command. If the Commendation report was submitted electronically, then the Division Commander shall review, print, and sign the report. After such review, the Division Commander shall:

(a) Ensure notification to employee of receipt of nomination.

(b) Advise employee the nomination will be reviewed by the Commendation Review Committee.

(c) Forward nomination to Support Services Division Commander for assignment.

1013.5 COMMENDATIONS REVIEW BOARD

All commendations received shall be reviewed by a Board which shall consist of one Sheriff's Deputy, one Correctional Officer, one civilian, one Sheriff's Sergeant, one Correctional Sergeant and one Manager. All Board members will be designated by the Sheriff. This Board will grade all reports, and a majority vote will determine the proper commendation to be issued. The Sheriff will consider the recommendation of the Board and make the final determination of the commendation to be awarded.

1013.6 LETTERS FROM CITIZENS

Any letter from a citizen commending an employee shall be directed to the Sheriff or the authorized designee who will determine which of the following procedures will be followed:

(a) The letter is sent to the employee with a copy to their evaluation file.

(b) If the Sheriff or designee feels the action described in the letter may warrant official Office recognition, they can direct the letter to the Commendation Review Board who will investigate and classify the commendation.

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1013.7 PREPARATION OF AWARD
Upon approval by the Sheriff, the proper award will be prepared.

1013.8 AWARDS CEREMONY
All awards will be presented to the recipients by the Sheriff at an awards ceremony.

1013.9 CITIZENS AWARD
This program also includes the recognition of those citizens who perform an outstanding service to the Office and/or community. Employees are encouraged to inform the Sheriff, through the chain of command, of any citizen they feel is worthy of recognition.

The Sheriff or authorized designee will make any recognition presentations determined to be appropriate.

1013.10 AWARD CATEGORIES
(a) **Gold Medal of Valor or Gold Life Saving Medal** - Awarded in exceptional cases when a hazardous act is performed by an employee who risks their life in so doing. The act must be of such extraordinary nature that the employee exposes themself to peril above and beyond the call of duty. Recommendation for the Gold Medal of Valor is based upon the following criteria:

  (a) Bravery above and beyond that expected in the line of duty.

  (b) Where failure to take such action would not justify censure.

  (c) Where the risk of life actually existed and the employee had sufficient time to evaluate it.

  (d) Where the objective is of sufficient importance to justify the risk.

  (e) Where the employee accomplishes their objective or is prevented from same by incurring a disabling injury or death.

  (f) The Gold Life Saving Medal meets the same criteria for the Gold Medal of Valor with the addition of the following criteria:

    (a) Includes the attempt to save/sustain life of another person by displaying personal risk to ones self.

(b) **Silver Medal of Valor or Silver Life Saving Medal** - Awarded for extraordinary heroism and conspicuous bravery in the line of duty. This award would be considered when the circumstances do not fall within the provision required for a Gold Medal of Valor. Recommendations for the Silva Medal of Valor are based upon the following criteria:

  (a) Where the employee demonstrates outstanding bravery in the performance of their duties under circumstances not within the provisions required for a Gold Medal of Valor.

  (b) Where the employee risks their life with full and unquestionable knowledge of the danger involved or where a reasonable person would assume their life to be in danger.

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(c) Where the employee's objective is of sufficient importance to justify risk.

(d) Where the employee accomplishes their objective or is prevented from same by circumstances beyond their control.

(e) The Silver Life Saving Medal meets the same criteria for the Silver Medal of Valor with the addition of the following criteria:

(a) Includes the attempt to save/sustain life of another person.

(c) **Bronze Medal of Valor or Bronze Life Saving Medal** - Awarded for courageous or heroic actions in the line of duty when the circumstances do not fall within the provisions required for the Gold and Silver Medal of Valor, however, the act was of such magnitude that the recipient is worthy of the Bronze Medal of Valor. Recommendation for the Bronze Medal of Valor is based upon the following criteria:

(a) Where the act of the employee does not meet the provisions required for Gold or Silver Medal of Valor.

(b) Employee performed efficient and valuable service to the Office or to the community.

(c) Where the employee accomplished the objective or was prevented from the same by circumstances beyond their control.

(d) The Bronze Life Saving Medal meets the same criteria for the Bronze Medal of Valor with the addition of the following criteria:

(a) Includes the attempt to save/sustain life of another person.

(d) **Distinguished Service Award** - Awarded to members for conspicuous bravery for exceptional service. Such service may be for a specific instance, or it may be for outstanding performance of general duties over an extended period of time. This award could be considered when circumstances do not fall within the criteria for a Bronze Medal of Valor. Recommendation for the Distinguished Service Award is based on the following criteria:

(a) Where the member exhibits either conspicuous bravery without direct and present risk to their own life, or performs outstanding, efficient, and effective service to the community we serve

(b) Either above noted action should be exceptional and therefore above the level one would normally expect for the nominated member's assignment.

(c) Where the member's objective was clearly identifiable, even though it may not be fully realized due to circumstances beyond their control.

(e) **Certificate of Commendation** - Awarded for outstanding service and dedication to the community or the Office which reflects credit upon law enforcement in its highest tradition. Recommendation for a Certificate of Commendation is based upon the following criteria:

(a) Where the act of the employee does not meet the provisions required for a Gold, Silver or Bronze Medal, or a Distinguished Service Award.

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(b) Employee performed efficient and valuable service to the Office or to the community.

(a) Such service may be a specific instance or it may be an outstanding performance of duties over an extended period of time.

(c) The Life Saving Certificate of Commendation meets the same criteria for the Certificate of Commendation with the addition of the following criteria:

(a) Includes the attempt to save/sustain life of another person.

(b) Substantially participated in an attempt to save life by demonstrating life saving skills.

(f) **Letter of Commendation** - Given for ordinary work of a routine nature but deserving of official notice.

(g) **Memo of Appreciation** - Recognized routine work accomplished in compliance with official Office guidelines. The memo shall be handled through the normal chain of command.

1013.11 PRESENTATION OF AWARDS

(a) **Gold Medal Of Valor**

(a) The presentation of a framed award certificate, a framed copy of which shall be conspicuously displayed and maintained in the appropriate division area.

(b) The presentation of a Gold Medal of Valor decorated with a red, white and blue ribbon.

(c) The presentation of a red, white and blue military style breast ribbon, approximately 1-1/4" x 3/8" and having a "V" displayed in the center. This bar shall be worn on the service blouse.

(d) A copy of the Commendation Report and any related documents will be placed in the employee's personnel file.

(b) **Silver Medal of Valor**

(a) The presentation of a framed award certificate.

(b) The presentation of a Silver Medal of Valor decorated with a red and white ribbon.

(c) The presentation of a red and white military style breast ribbon, approximately 1-1/4" x 3/8" and having a "V" displayed in the center. This bar shall be worn on the service blouse.

(d) A copy of the Commendation Report and any related documents will be placed in the employee's personnel file.

(c) **Bronze Medal of Valor**

(a) The presentation of a framed award certificate.

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(b) The presentation of a Bronze Medal of Valor decorated with a blue and white ribbon.

(c) The presentation of a blue and white military style breast ribbon, approximately 1-1/4" x 3/8" and having a "V" displayed in the center. This bar shall be worn on the service blouse.

(d) A copy of Commendation Report and any related documents will be placed in the employee's personnel file.

(d) **Certificate of Commendation**

(a) The presentation of a framed award certificate.

(b) A copy of the Commendation Report and related documents will be placed in the employee's personnel file.

(e) **Letter of Commendation**

(a) The employee shall receive a written letter of commendation from the Sheriff, a copy of which is to be placed in the employee's personnel file.

(b) A copy of the Commendation Report and related documents will be placed in the employee's personnel file.

(f) **Memo of Appreciation**

(a) A copy of recommendation for commendation shall be placed in the employee's evaluation file. The memo shall be handled through the normal chain of command.

1013.12 COMMENDATIONS AND AWARDS PROGRAM

The following awards will also be presented by the Sheriff:

- Deputy of the Year
- Correctional Officer of the Year
- Employee of the Year
- Dispatcher of the Year
- Sworn Supervisor of the Year
- Civilian Supervisor of the Year
- Sworn Manager of the Year
- Civilian Manager of the Year
- Thrive member of the year
- Volunteer of the Year
- Citizen of the Year

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1013.13 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1013.13.1 OFFICE MEMBER DOCUMENTATION

Members of the Office should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

  (a) For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act.

  (b) For individuals from the community - name, address, telephone number.

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1013.13.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

  (a) For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act.

  (b) For individuals from the community - name, address, telephone number.

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1013.13.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded to the appropriate Division Commander for their review. The Division Commander should sign and forward the documentation to the Sheriff for their review.

The Sheriff or the authorized designee will present the commendation to the Office member for their signature. The documentation will then be returned to the Support Services Division for entry into the member's personnel file.

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Commendations and Awards

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Support Services Division Commander. The documentation will be signed by the Division Commander and forwarded to the Sheriff for review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

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Fitness for Duty

1014.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all members of this Office remain fit for duty and able to perform their job functions. All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers (Government Code § 1031).

1014.2 MEMBER RESPONSIBILITIES

(a) It shall be the responsibility of each member of this Office to maintain good physical condition sufficient to safely and properly perform the essential duties of their position.

(b) Each member of this Office shall perform their respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

(d) Any member who feels unable to perform their duties shall promptly notify a supervisor.

(e) If a member believes that another member is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor.

1014.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform their duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform their duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Shift Supervisor or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from their duties.

(e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

In order to ensure the continuing emotional and mental fitness of office members to carry out their official duties, all supervisory employees will be alert to indications that members under their command may not be emotionally or mentally fit. Such indications include, but are not limited to, the following:

(a) One or more sustained complaints, particularly complaints involving the use of unnecessary or excessive force, inappropriate verbal conduct, or conduct indicating a possible inability to exercise self-control and/or self-discipline.

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(b) A change in customary behavior.

(c) Symptoms of drugs use and/or alcohol abuse.

(d) A pattern of conduct indicating an inability to defuse tense situations and/or a tendency to escalate or create confrontation.

(e) Involvement in a shooting or other incident resulting in death or serious injury.

(f) Direct or indirect expressions of self doubt concerning their own mental or emotional stability.

(g) Indications or threats of self harm or suicide.

1014.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1014.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Supervisor or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity results in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty, if appropriate.

1014.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Office with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places their condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

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(c) In order to facilitate the examination of any employee, the Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume their duties.

1014.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1014.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Standards of Conduct policy.

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Wellness Program

1015.1 PURPOSE AND SCOPE

The wellness program is intended to support the physical and mental well-being of members through exercise, physical fitness and recovery. The purpose of this program is to help members maintain physical fitness and healthy stress management.

1015.2 POLICY

The following guidelines apply to all personnel participating in the wellness program:

(a) Wellness program exercise and physical activity is highly recommended, but not mandatory.

(b) On duty wellness activities can be scheduled during regular work hours, up to three (3) days during a work week, subject to availability.

1. Up to one (1) hour per day of wellness time is allowed for sworn members, correctional officers and dispatchers.

2. Up to thirty (30) minutes per day of wellness time is allowed for all other staff.

(c) There will be no overtime paid or compensatory time allowed for the wellness program.

(d) This policy is not intended for intense body building or extreme weightlifting. Participants shall limit the intensity of exercise and the amount of weight lifted during wellness periods to avoid injuries and/or illnesses.

(e) Wellness activities shall be confined to the Sheriff's Office facilities, with the exception of walking or jogging within a reasonable distance from the Sheriff's Office facilities.

1. If you leave the facility, it is advised to make someone aware of your whereabouts.

The equipment in the Sheriff's Office exercise and recovery rooms is considered Sheriff's Office property and can be utilized by all members for the wellness program.

1015.2.1 WELLNESS SCHEDULING:

(a) Staffing and Sheriff's Office priorities will take precedence over the wellness program.

(b) Participants must receive authorization from their supervisor before engaging in on-duty wellness activities. Supervisors will be notified at the commencement and completion of an employee's wellness time. Patrol deputies shall update their status with Dispatch.

(c) Members desiring to participate in wellness at the beginning of their shift will be at their duty station or briefing at their scheduled start time prepared for work.

1. Members will be prepared for work at their scheduled start time (ie. showered, shaved, etc).

2. Beginning the shift in workout clothing (in lieu of the appropriate uniform) is acceptable if approved by the Supervisor prior to the member's scheduled shift or briefing.

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(d) Members desiring to participate in wellness during the work day, beginning of their shift or at the end of their shift may have up to15 minutes to dress-out and prepare for their wellness time.

1. All reports and/or assignments will be completed, or approved by a supervisor to be held over, before the wellness period begins.

(e) Supervisors have the discretion, based on workload, staffing levels, in progress incidents or activities, etc. to approve or deny wellness participation requests.

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Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the Chief Administrative Officer.

1016.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Patrol deputies shall notify Central Dispatch prior to taking a meal period. Uniformed deputies shall take their breaks within the County limits unless on assignment outside of the County.

The time spent for the meal period shall not exceed the authorized time allowed.

1016.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the sheriff's facility shall remain in the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Central Dispatch.

1016.1.3 NUMBER OF EMPLOYEES ALLOWED

No more than three EDSO distinguishable deputies and/or correctional officers shall take meal periods or breaks at the same facility at the same time.

No more than two distinguishable Sheriff's vehicles shall be at the same facility at the same time.

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Lactation Break Policy

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

1017.2 POLICY

It is the policy of this office to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify Central Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt office operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1017.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member ends their shift.

1017.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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Payroll Records

1018.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of Office members who are eligible for the payment of wages.

1018.2 POLICY

The El Dorado County Sheriff's Office maintains timely and accurate payroll records.

1018.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1018.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the County payroll procedures.

1018.5 RECORDS

The Support Services Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Personnel Complaints

1019.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the El Dorado County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1019.2 POLICY

The El Dorado County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this Office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1019.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of Office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate Office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1019.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Support Services Division, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Support Services Division, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1019.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any Office member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1019.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1019.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the Office website. Forms may also be available at other County facilities including the County jail.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1019.4.2 ACCEPTANCE

All complaints will be courteously accepted by any Office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Office (Penal Code § 832.7).

1019.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Office shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1019.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that a deputy has in the previous seven years, and since 18

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years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1019.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1019.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1019.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Undersheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    (a) The original complaint form will be directed to the supervisor of the accused member, via the chain of command. The supervisor will forward the form up the chain of command for appropriate action and/or to determine who will have responsibility for the investigation.
    (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's next higher rank within the chain of command, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    (a) Follow-up contact with the complainant should be made.
    (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form, enter the information into the appropriate database, and forward the form to the Lieutenant.

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(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and the Sheriff are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the chain of command for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the lieutenant, who will determine whether to contact the complainant, send the complaint further up the chain of command, or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

  (a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

  (b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1019.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, they shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the El Dorado County Sheriff's Office or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the deputy in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

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(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any deputy solely because the deputy has been placed on a prosecutor's *Brady* list or the name of the deputy may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the deputy has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1019.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

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Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1019.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve Office members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a deputy were found to violate law or Office policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1019.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1019.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

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1019.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member’s consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1019.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1019.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any Office badge, identification, assigned weapons and any other Office equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1019.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of their constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

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The El Dorado County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1019.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Undersheriff through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1019.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Undersheriff, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Undersheriff, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1019.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Undersheriff shall review the recommendation and all accompanying materials. The Undersheriff may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Undersheriff is satisfied that no further investigation or action is required by staff, the Undersheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Sheriff or his designee shall also provide the member with:

(a) Access to all of the materials considered by the Undersheriff in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Sheriff within ten days of receiving the notice.

    (a) Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.

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(b) If the member elects to respond orally, the presentation may be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed their response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1019.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1019.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1019.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.

(d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

1019.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

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1019.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that a deputy has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1019.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary deputy subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Sheriff or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Sheriff shall be final.

1019.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy 809.

1019.16 REQUIRED REPORTING TO POST

The Sheriff or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain deputy personnel events, including but not limited to (Penal Code § 13510.9):

(a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.

    1. A POST affidavit-of-separation form shall be executed and maintained by the Office and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.

(b) Events that could affect a deputy's POST certification, such as:

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1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
2. Findings of civilian review boards.
3. Final dispositions of any investigations.
4. Civil judgments or court findings based on conduct, or settlement of a civil claim against a deputy or the El Dorado County Sheriff's Office based on allegations of conduct by a deputy.

The Sheriff or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

1019.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Sheriff or the authorized designee shall report allegations of serious misconduct by a deputy to POST and the report shall include the following (11 CCR 1207):

(a) Name of the Office

(b) Administrative case number

(c) Name, current address, and phone number of the complainant, if available

(d) Name, POST ID, current address, and phone number of the involved deputy

(e) A summary of the alleged misconduct including:

1. A narrative of the allegations
2. Date and time of incidents
3. Location of occurrence
4. Any witness information, if available
5. Summary of arrest or indictment of involved deputy

(f) A change in employment status of the involved deputy (e.g., administrative leave, suspension, termination)

(g) Name and contact information of the assigned investigator

The Sheriff or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Sheriff or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the deputy's service record as provided by 11 CCR 1207.

1019.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

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(a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:

1. The Office shall provide the name of the body conducting the proceeding.
2. The status of the proceeding, if known.

(b) If criminal charges are pending:

1. The name of the court having jurisdiction over the criminal charges against the deputy.
2. The status of the criminal case, if known.

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Overtime Payment

1020.1 PURPOSE AND SCOPE

It is the policy of the El Dorado County Sheriff's Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages or by the allowance of accrual of compensatory time off, as agreed and in effect through their respective Memorandum of Understanding (MOU). In order to qualify for either, the employee must complete and submit an Office timesheet reflecting the hours worked and the overtime code.

1020.1.1 POLICY

Because of the nature of police work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Office. All overtime requests must be expressly approved by a supervisor in advance. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the amount established in their respective MOU.

1020.2 OVERTIME AUTHORIZATION

Employees shall have all overtime verified and approved by their immediate supervisor, or other authorized supervisor in their absence, before submitting the Office time sheet to Payroll. Failure to follow this procedure may result in a delay or denial of compensation.

1020.2.1 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the time sheet.

1020.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding may provide that a minimum number of hours will be paid, (e.g., call-back compensation and court subpoenas). Supervisor approval must be obtained in each case.

1020.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest fourth of an hour as indicated by the following chart:

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TIME WORKED	INDICATE ON CARD
1 to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

1020.3.2 VARIATION IN TIME REPORTED

Where two or more members are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other member, the Shift Sergeant or other approving supervisor may require each employee to include the reason for the variation to be documented in the notes section with the time entry.

1020.4 SCHEDULING FOR TRAINING

Employees attending a training, class or conference of five (5) or more days shall have their work schedule adjusted to match the class schedule. For example, an employee working a 12-hour schedule or a 4/10 schedule with a paid lunch hour, who is assigned to attend a 5-day class, shall have their schedule changed to 5/8 without a paid lunch for that week.The Office will notify the employee of the schedule change when the employee is notified of approved training, following the respective employee's MOU notice requirements. Requests for training should be submitted thirty (60) days in advance to ensure that timely notice can be given. Requests submitted less than thirty (30) days in advance may be denied unless the employee is willing to waive notice or the Division Commander authorizes any resulting overtime.

Whenever possible, an employee who is assigned to one shift and who must attend a training session during another shift shall have their work schedule adjusted by their supervisor so that the shift on which training is provided is the employee's work shift for that day or multiple days. This modified schedule will be referred to as the employee's training schedule, adjusted schedule, or temporary schedule.Appropriate notice must be given to the employee pursuant to the applicable MOU. Supervisors will be held responsible for failing to make such schedule changes if overtime charges are incurred which could have been avoided.

1020.5 TRAVEL TIME

(a) HOME TO WORK: An employee traveling from home to a County worksite before the regular workday and returning home at the end of that same workday is engaged in ordinary home to work travel. This travel time is not compensable work time. (29 CFR § 785.35)

(b) DAILY WORK TIME: After an employee has reported to their first work location during a day, an employee's time spent traveling to different work locations during the workday as part of their principal work activity is compensable work time. (29 CFR § 785.38)

(c) ONE-DAY ASSIGNMENT: An employee who regularly works at a fixed duty location, and who travels to another city/location for a special one-day assignment (assignment,

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class, conference, training, etc.), is entitled to travel time compensation if the travel time exceeds the employees normal home-to-work travel time.(29 CFR § 785.37)

1. The compensable travel time is determined by taking the actual travel time to and returning from the one-day location, and subtracting the amount of time that the employee would normally spend commuting to and from their regular duty location as well as meal time and deviations from the travel for personal reasons.

(d) OVERNIGHT ASSIGNMENT: Travel for an assignment (assignment, class, conference, training, etc.) that requires an employee to be away from home overnight is compensable work time when it cuts across the employee's normal working hours. This includes the employee's normal working hours on workdays, and the same corresponding hours on nonworking days. (29 CFR § 785.39)

1. Time spent in travel away from home OUTSIDE of regular working hours as a DRIVER in an automobile is compensable EXCEPT as described below:

   (a) If the county offered to cover the costs of the employee's public transportation or arranged travel in a carpool/vanpool but the employee requested and received permission to drive a personal automobile, the travel time spent driving in this circumstance is only compensatory during the time that would have been counted as hours worked during working hours if the employee had used the public transportation or carpool/ vanpool offered by the county.

2. Time spent in travel away from home OUTSIDE of regular working hours as a PASSENGER on an airplane, train, boat, bus or automobile is not considered compensable work time.Note: Normal and regular working hours are referred to in this section. (1020.5, d) Normal and regular working hours are defined as the hours of your standard and typical schedule in which you consistently work in your primary duty assignment and as shown in your long term Telestaff calendar. (Example: A mid-week graveyard patrol deputy's normal and regular working hours are from 6 pm until 6 am.)

(e) Travel shall be accomplished in the most economical and reasonable manner available.

1. Should an employee select an alternate means of transportation other than that which the county approved, any required reimbursement or compensation shall not exceed the amount of the county approved transportation.

(f) This policy shall be applied in accordance with FLSA requirements.

1020.6 VACATION / COMPENSATORY TIME OFF

Employees shall not be granted vacation and/or compensatory time off and then allowed to work that same shift and earn overtime. Approval of vacation and/or compensatory time of shall be deemed withdrawn if the employee ultimately works the shift for which they have requested time off. For example, a Deputy assigned to a day shift in Patrol may not take the day shift off as vacation or compensatory time off and then work that day shift for the Transportation Section and be paid at an overtime rate.

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1020.7 RESPONSIBILITY FOR COMPLIANCE

Supervisors and managers shall be responsible for ensuring compliance with the provisions of this policy. The Office's Payroll Section shall bring any apparent violations of the policy to the attention of the responsible supervisor or manager who shall take necessary corrective action.

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Outside Employment

1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for El Dorado County Sheriff's Office employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1021.1.1 DEFINITIONS

Outside Employment - Any member of this Office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Office for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this Office for services, product(s) or benefits rendered.

Outside Overtime - Any member of this Office who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this Office so that the Office may be reimbursed for the cost of wages and benefits.

1021.2 OBTAINING APPROVAL

No member of this Office may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must submit a memorandum describing the nature of the employment to the employee's immediate supervisor. The memorandum will then be forwarded through the chain of command to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved memorandum. Unless otherwise indicated in writing on the approved memorandum, it will be valid through the end of the calendar year in which approved. Any employee seeking the renewal of authorization shall submit a new memorandum each year.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Request is denied or withdrawn by the Office, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in their respective Memorandum of Understanding (MOU).

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1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any permission for outside employment may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this Office decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at their discretion, revoke any previously approved outside employment permission. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and their supervisor recommends reinstatement of permission for outside employment.

(b) Suspension or revocation of a previously approved outside employment permission may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of valid permission for outside employment, an employee's conduct or outside employment conflicts with the provisions of Office policy, the permission may be suspended or revoked.

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previous approval for outside employment may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

1021.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Office expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of Office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Office for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this Office.

(c) Involves the performance of an act in other than the employee's capacity as a member of this Office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Office.

(d) Involves time demands that would render performance of the employee's duties for this Office less efficient.

1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT
Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this Office may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this Office must submit a written request to the Sheriff in advance of the desired

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service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Office.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The deputy(s) shall wear the Office uniform/identification.
2. The deputy(s) shall be subject to the rules and regulations of this Office.
3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1021.4 SHERIFF'S OFFICE RESOURCES

Employees are prohibited from using any Office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this Office or other agencies through the use of the employee's position with this Office.

1021.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Office may request that an employee provide their personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Office becomes concerned that a conflict of interest exists based on a financial reason, the Office may request that the employee provide their personal financial records for review/audit. If the employee elects not to provide

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the requested records, their off-duty work permit may be revoked pursuant to the Revocation/ Suspension of Outside Employment Permits section of this policy.

1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates their outside employment during the period of valid permission, the employee shall promptly submit written notification of such termination to the Sheriff through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Office members engaged in outside employment who are placed on disability leave or modified/ light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify their supervisor of their intentions regarding their outside employment, a notice of revocation of the member's permission for outside employment will be forwarded to the involved employee, and a copy attached to the original outside employment request.

Criteria for revoking permission for outside employment include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the El Dorado County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

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Occupational Disease and Work-Related Injury Reporting

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1022.2 POLICY

The El Dorado County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1022.3 RESPONSIBILITIES

1022.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event within 24 hours, or as soon as practicable to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1022.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1022.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Support Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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1022.3.4 SHERIFF RESPONSIBILITIES
The Sheriff shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

1022.4 OTHER DISEASE OR INJURY
Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Support Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that they desired no medical attention at the time of the report. By signing, the member does not preclude their ability to later seek medical attention.

1022.5 SETTLEMENT OFFERS
When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, their agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to their supervisor as soon as possible.

1022.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1023.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

1023.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1023.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1023.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1023.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1023.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his or her designee.

1023.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1023.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the office member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

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(b) Earrings shall be small and worn only in or on the earlobe.

(c) One ring or ring set may be worn on each hand of the office member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall present a professional image.

1023.3 TATTOOS

While on-duty or representing the Office in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Office in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1023.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding or scarification.

1023.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

A person seeking a religious exception should complete a memorandum to be forwarded up the chain of command for approval and placement in their personal file.

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Uniform Regulations

1024.1 PURPOSE AND SCOPE

The uniform policy of the El Dorado County Sheriff's Office is established to address the official uniform specifications and regulations for all uniformed personnel to ensure that they are readily identifiable to the public through the proper use and wearing of Sheriff's Office uniforms. Members should also refer to the following associated policies:

(a) County Owned and Personal Property Policy

(b) Body Armor Policy

(c) Personal Appearance Standards Policy

The El Dorado County Sheriff's Office will provide uniforms / uniform allowances in accordance with the respective employee's collective bargaining agreement.

1024.1.1 COMPLIANCE TIMELINES

The uniform standards in this policy shall take effect upon issuance of the policy. Members shall be allowed a transitional period for specified uniform equipment that is currently in service at the time this policy is issued.

(a) Transitional allowance periods will be as follows:

1. Standard Uniforms: One (1) year to discontinue use (transitional period expires 10/15/2025).
2. Cloth Badge for sworn staff, Correctional Officers, and Sheriff's Security Officers: One (1) year to discontinue use and transition to the FT Flex badge (transitional period expires 10/15/2025).
    (a) Tactical Gear Junkie PVC badges (and similar) will be disallowed immediately and replaced with the FT Flex badge upon issuance of this policy.
3. Jumpsuits: Two (2) years to discontinue use (transitional period expires 10/15/2026).
4. Load Bearing Vests (LBVs): Authorized LBVs in use at the time this policy is issued may remain in use until the Office provides the new authorized Point Blank LBV.

All Specialized Unit uniform variations of this policy or other exceptions are only permitted upon authorization of the Sheriff or the authorized designee.

1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's Office employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

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(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All deputy sheriffs of the Sheriff's Office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).

(d) The uniform is to be worn in compliance with this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Office functions or events.

(h) If the uniform is worn while in transit, outside of a county vehicle, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while they are off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any distinguishable part of the Office uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Office uniform.

(k) Visible jewelry worn while in uniform shall comply with the Office's Personal Appearance Standards Policy unless specifically authorized by the Sheriff or the authorized designee.

1024.3 UNIFORM CLASSES

1024.3.1 CLASS "A" UNIFORM

The Class "A" uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class "A" uniform is required for all sworn personnel and Correctional Officers. The Class "A" uniform includes:

(a) Class "A" Shirt with Necktie:

1. Model: Flying Cross long sleeve Class "A" shirt.
    (a) Men's: Model number 30W66Z. Color, Silver Tan.
    (b) Women's: Model number 130W66Z. Color, Silver Tan.
2. Undershirt: A black crew neck T-shirt must be worn with the uniform.
3. Badge: Metal badge as described in this policy.
    (a) The shirt will have an outer badge holder over the left breast uniform pocket (a badge holder is described as a patch of material above the left shirt pocket that is designed to have a badge pinned onto it).

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4. Metal Name Plate: As described in this policy.
5. Shoulder Patches: Shall be sewn on and located on both shoulders as described in this policy.
6. Necktie: To be worn with the Class "A" shirt as described in this policy.
7. Service Stripes: May be attached as described in this policy.

(b) Class "A" Long Pant:

1. Model: Flying Cross, 55/45 PolyWool Pant.
   (a) Men's: Model number 32218A. Color, Forest Green.
   (b) Women's: Model number 32218WA. Color, Forest Green.

(c) Class "A" Jacket (jacket is not required for Class-A):

1. Style: Military "Ike" Jacket.
2. Model: CHP-646168
   (a) Peak lapel with metal zipper front closure to the top of the breast pockets. Two (2) inch pleat across the back, with a waist adjustable strap on both sides with yellow metal Eureka buttons. Two (2) inch wide epaulets on each shoulder, fastened with yellow metal Eureka buttons.
3. Color: Forest Green.
4. Agency Piping:
   (a) Sergeant and ranks below: One forest green piping, bordered in 1/8 inch gold (Isacord 0704 or Madeira 1971) colored fabric to be attached horizontally from seam to seam on the front of each sleeve, three (3) inches from the end of each sleeve (cuff).
   (b) Lieutenants and ranks above: One gold piping, bordered in 1/8 inch gold (Isacord 0704 or Madeira 1971) colored fabric braid stripe attached horizontally from seam to seam on the front of each sleeve, three (3) inches from the end of each sleeve (cuff).
5. Pockets: There shall be two box pleated patch breast pockets finished approximately 5 3/4 x 6 3/4 inches, with three pointed scalloped flaps and yellow metal Eureka buttons (breast pockets are non-opening).
6. Badge Holder: Shall be centered over the left breast pocket and the center of holder to be sewn 1 1/2 inches above the pocket (a badge holder is described as a patch of material above the left jacket pocket that is designed to have a badge pinned onto it).
7. Metal Name Plate: As described in this policy.
8. Shoulder Patches: Shall be sewn on and located on both shoulders as described in this policy.
9. Service Stripes: May be attached as described in this policy.

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(d) Footwear:

(a) Standard uniform or optional boot as described in this policy.

1024.3.2 CLASS "B" UNIFORM

All Deputies and Correctional Officers will always possess and maintain a serviceable Class "B" uniform.

The Class "B" uniform includes:

(a) Class "A" Long Sleeve Shirt described above with the following modifications:

1. No Necktie is to be worn.
2. Shirt is to be worn with the collar button open.

(b) Class "B" Short Sleeve Shirt:

(a) Model: Flying Cross.

(a) Men's: Model number 80R66Z. Color, Silver Tan.

(b) Women's: Model number 180R66Z. Color, Silver Tan.

(b) Badge: Metal badge as described in this policy.

(a) The shirt will have an outer badge holder over the left breast uniform pocket (a badge holder is described as a patch of material above the left shirt pocket that is designed to have a badge pinned onto it).

(c) Metal Name Plate: As described in this policy.

(d) Shoulder Patches: Shall be sewn on and located on both shoulders as described in this policy.

(e) No necktie is to be worn with this shirt.

(c) Class "B" Long Pant:

1. Model: Flying Cross, 55/45 PolyWool Pant (Same as Class "A" long pant).

(a) Men's: Model number 32218A. Color, Forest Green.

(b) Women's: Model number 32218WA. Color, Forest Green.

2. Model: Flying Cross, Command Polyester Pant. (Class "B" alternative only).

(a) Men's: Model number 32230. Color, Forest Green.

(b) Women's: Model number 32230W. Color, Forest Green.

(d) Footwear:

1. Standard uniform.

1024.3.3 CLASS "C" UNIFORM

The Class "C" uniform includes:

(a) Class "C" Long Sleeve Shirt:

(a) Model: First Tactical V2 BDU Long Sleeve Shirt.

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(a) Men's: Model number 111008. Color, Khaki.

(b) Women's: Model number 121008. Color, Khaki.

(b) Model: First Tactical V2 Pro Performance Shirt

(a) Men's: Model number 111015. Color, Silver Tan.

(b) Women's: Model number: 121015. Color, Silver Tan.

(c) Model: First Tactical V2 Tactical Long Sleeve Shirt.

(a) Men's: Model number 111006. Color, Khaki.

(b) Women's: Model number 121006. Color, Khaki.

(d) Badge: Attached as described in this policy.

(a) FT Flex Badge required for sworn staff, Correctional Officers, and Sheriff's Security Officers.

(b) Cloth Badge required for civilian staff in uniform.

(c) A badge on the Class "C" shirt is not necessary if it is worn under body armor or a LBV that displays a badge.

(e) Name Tape: Attached as described in this policy.

(a) A name tape is not necessary if worn under body armor or a LBV that displays a name tape.

(b) The First Tactical V2 Pro Performance shirt may have names directly embroidered as an alternative to the name tape.

1. Embroidered names shall follow the same format as name tapes; Member's first initial (optional) and Last name will be displayed, embroidered in black thread, in 1/2 inch tall block letters.

(f) Shoulder Patches: Attached and located on both shoulders as described in this policy.

(a) Shoulder patches are required for this uniform to include all office and administrative personnel.

(g) Service Stripes: May be attached as described in this policy.

(h) Epaulets: Optional for the Class "C" uniform shirt.

(b) Class "C" Short Sleeve Shirt:

1. Model: First Tactical V2 BDU Short Sleeve Shirt.

(a) Men's: Model number 112009. Color, Khaki.

(b) Women's: Model number 122009. Color, Khaki.

2. Model: First Tactical V2 Pro Performance Short Sleeve Shirt.

(a) Men's: Model number 112012. Color, Silver Tan.

(b) Women's: Model number 122012. Color, Silver Tan.

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3. Model: First Tactical V2 Tactical Short Sleeve Shirt.
    (a) Men's: Model number 112007. Color, Khaki.
    (b) Women's: Model number 122007. Color, Khaki.
4. Badge: Attached as described in this policy.
    (a) FT Flex badge required for sworn staff, Correctional Officers, and Sheriff's Security Officers.
    (b) Cloth badge required for civilian staff in uniform.
    (c) A badge on the Class "C" shirt is not necessary if it is worn under body armor or a LBV that displays a badge.
5. Name Tape: Attached as described in this policy.
    (a) A name tape is not necessary if worn under body armor or a LBV that displays a name tape.
    (b) The First Tactical V2 Pro Performance shirt may have names directly embroidered as an alternative to the name tape.
        1. Embroidered names shall follow the same format as name tapes; Member's first initial (optional) and Last name will be displayed, embroidered in black thread, in 1/2 inch tall block letters.
6. Shoulder Patches: Attached and located on both shoulders as described in this policy.
7. Epaulets: Optional for the Class "C" uniform shirt.

(c) Class "C" Long Pant:
1. Model: First Tactical V2 Tactical Pants.
    (a) Men's: Model number 114011. Color, OD Green.
    (b) Women's: Model number 124011. Color, OD Green.
2. Model: First Tactical A2 Pants.
    (a) Men's: Model number 114038. Color, OD Green.
    (b) Women's: Model number 124038. Color, OD Green.

(d) Footwear:
(a) Standard uniform, foul weather, or athletic style boot as described in this policy.

1024.5 OPTIONAL SPECIALTY UNIT T-SHIRTS

(a) Specialty Unit T-Shirt:
1. Specialized units may wear short or long sleeve T-shirts in OD Green color which display the EDSO badge or unit name over the left breast area and the employee last name (First initial optional) over the right breast area. The badge/unit name and employee name shall be black in color.

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2. The design and wearing of these specialty T-shirts shall be approved by the Division Commander or authorized designee.

1024.6 JACKETS (OTHER THAN CLASS "A")

(a) Foul Weather Jacket:

1. First Tactical Tactix System Jacket.
   (a) Men's: Model number 118502. Color, OD Green.
   (b) Women's: Model number 128502. Color, OD Green.
2. Badge: Cloth or FT Flex badge attached as described in this policy (for outer shell and inner soft shell).
3. Name Tape: Attached as described in this policy (for outer shell and inner soft shell).
4. Shoulder Patches: Attached and located on both shoulders as described in this policy (for outer shell and inner soft shell).

(b) Rain Pants:

(a) First Tactical Tactix Rain Pants.
   (a) Men's and Women's: Model number 114037. Color, OD Green.

(b) Rain pants are only to be worn with a foul weather jacket in rainy or snowy conditions.

(c) Class "C" and Civilian Attire Jackets:

1. First Tactical Tactix Softshell Jacket.
   (a) Men's: Model number 118501. Color, OD Green.
   (b) Women's: Model number 128503. Color, OD Green.
2. Flying Cross Dutyguard HT Pullover.
   (a) Men's: Model number 57100. Color, OD Green.
   (b) Women's: Model number 57100W. Color, OD Green.
3. Approved for all Class "C" uniforms and civilian attire.
4. Shoulder Patches: Attached and located on both shoulders as described in this policy.
5. Name Tape: Attached as described in this policy.
6. Badge: Cloth or FT Flex Badge attached as described in this policy.

1024.7 JUMPSUIT

Authorized for wear in inclement weather.

(a) Ackerman by Watershed Uniform:

1. The following model numbers are approved: G1, B3, D1.

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(a) Optional additions: Extra pockets, pit zippers, and leg zippers.

2. Color: OD Green.
3. Badge: Cloth or FT Flex Badge attached as described in this policy.
4. Name Tape: Attached as described in this policy.
5. Shoulder Patches: Attached and located on both shoulders as described in this policy.
6. Deputies will have "SHERIFF" decal patch across the back of the jump suit in three (3) inch gold color letters and attached by Velcro.
   (a) The decal patch shall be attached by Velcro with the "loop" on the uniform or garment and the "hook" on the decal.
   (b) The decal will match the uniform color with gold lettering. The gold lettering shall be applied with Isacord 0704 or Madeira 1971 or equivalent as approved by the Sheriff.

(b) Footwear:

1. Standard uniform, foul weather, or athletic style boot.

1024.8 GLOVES

Smooth finished, black in color, leather or leather/fabric combination, lined or un-lined.

1024.9 FOOTWEAR

(a) Standard Uniform:

1. Material: Leather or similar appearance. Color, black.
2. Style: Plain-toe law enforcement boot, smooth finish to accept polish.
3. Designed to fit to prevent trouser hang. Laces and eyelets shall be black.

(b) Optional Boot (Class "A" uniform only):

1. Style: Pointed or square toe boot. Black leather with smooth finish to accept polish. The toe will be plain and shall conform to the contour of the sole. Soles shall not be more than 3/4 inch thick. Heels shall not be more than 1 1/2 inch thick when measured from the bottom of the heel to the top of the sole. Boots shall not have a wedge-type sole, or have a squared or beveled heel (an approximately ¼ inch bevel, as found on Acme boots is acceptable). Spur straps, ornamental stitching, taps, or non-functional buckles (such as the type found on engineer boots) are not allowed. Boots must be of a style that will not impede the member's ability to run on either paved or unpaved surfaces.
2. Only allowed with Class "A" uniforms.
3. Only allowed if wearing a cowboy hat.

(c) Foul Weather Boot:

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1. Material: Leather or similar appearance at toe. Upper boot may be of "Gore Tex" or other weather resistant material. Color, black.
2. Style: Plain-toe boot, smooth finish. Designed as a water resistant and insulated boot. Boot shall fit snugly to prevent trouser hang. Laces and eyelets shall be black in color.
3. Reference: "Danner" insulated boot; "Sorrel" Raider; or similar as approved by the Sheriff.

(d) Athletic Style Boot:

1. Material: Solid black color. Rubber sole, canvas, suede, or leather type upper.
2. Style: Boot shall be of a solid color. No exaggerated manufacture design (i.e., bold colors, trade name, etc.). Lacing or Velcro will be permitted.

1024.10 HEADGEAR

(a) Felt Cowboy Hat (optional):

1. Brand: Stetson Skyline – 6X.
2. Material: Felt.
3. Color: Silverbelly.
4. Oval: R
5. Rain Cover: Transparent/clear, 100% vinyl (For campaign and cowboy hats).
6. Approved to wear Labor Day through Memorial Day only.
7. Approved to wear with Class "A" and Class "B" uniforms only. This hat is not approved for Class "C" uniforms, or other uniform variations.

(b) Palm Leaf Cowboy Hat (optional):

1. Brand: Atwood Tumbleweed 7x palm leaf with a custom Buckaroo Leather basket stamp hat band.
2. Cover: Transparent/clear, 100% vinyl (For campaign and cowboy hats).
3. Approved to wear with Class "A", Class "B", and Class "C "uniforms.
4. Approved to wear year round.

(c) Ball Cap (optional):

1. Manufacturer:
   (a) Flex Fit.
      1. Model 6277 in Olive color.
      2. Model 19-0516 (Delta Cap) in Olive color.
   (b) Richardson Original.
      1. Model 112 Trucker Cap in Loden color.

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2. Embroidery:

    (a) A sheriff's badge, approximately 2.5" in size, shall be embroidered into the front left panel of the hat (Embroidered in Isachord Golden Brown 941, Brown 1342, and Black).

    (b) Personnel have the option of having their first initial (optional) and last name embroidered across the back of the hat band. Embroidering shall be in 1/2 inch tall block letters in Yellow/Gold Isacord #0704 or Madeira 1971, or equivalent as approved by the Sheriff.

3. Other Specialty Unit Duty Caps: Other caps may be approved by the Sheriff for specialty units such as RANGE, SWAT, and K-9. These caps may only be worn while performing work for the specialty unit and may not be worn during regular duty assignments.

(d) Foul Weather Knit Cap / Beanie:

1. YP Classics.

    (a) Model 1501KC (with cuff). Color, olive.

    (b) Model 1500KC (without cuff). Color, olive.

2. Beanie caps shall have embroidered above the fold, in the center of the cap, "EL DORADO COUNTY SHERIFF".

    (a) "EL DORADO COUNTY" shall be embroidered in 1/2 inch tall block letters in an arch shape, so that the top of the arch is two inches from the bottom of "SHERIFF".

    (b) "SHERIFF" shall be embroidered in 3/4 inch tall block letters centered horizontally on the front of the cap.

    (c) Embroidery shall be in gold lettering, applied with Isacord 0704 or Madeira 1971.

1024.11 BELTS

(a) Leather Belt:

1. Material: Leather, 8–9 ounce top grain cowhide. Color, black.

2. Style: Stamped basket weave design with Craftool Company #511 basket and border stamp.

3. Size: Belt width of 1 1/2 inch or 1 3/4 inch.

4. Buckle: Gold color, no wider than 2 inch by 2 inch, with a single gold color metal prong tongue.

5. No decorative belt buckles are allowed.

(b) Nylon Belt:

1. Material: Nylon webbing. Color, black.

2. Style: 1 1/2 inch or 1 3/4 inch wide nylon webbing.

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3. Buckle: Metal "D" ring (silver or black) or composite buckle.
4. Reference sample manufacturers: Blackhawk, 5.11, CMC Rescue, First Tactical or similar design as approved by the Sheriff.

1024.12 NECKTIES

(a) Material: Rayon and Acetate Worsted fabric or equivalent. Color, black.

(b) Style: "Four-in-Hand", break away, or clip on tie.

(c) Neckties to be worn with long sleeve Class "A" shirts only and must be worn with a tie bar.

1024.13 TIE BARS

Tie bars are to be worn with Neckties on the Class "A" shirt. Tie bars are to be worn even with upper pocket flap height of the Class "A" shirt.

(a) Material: Florentine yellow metal.

(b) Size: 5/16 inches in height and width compatible to the width of the tie when affixed to the uniform shirt.

(c) Style: Plain yellow metal with no engraving, or plain yellow metal with Agency seven-point miniature star or tie tack.

(d) No handcuff, gun, or other novelty-design type tie bars are allowed.

1024.14 METAL NAME PLATES

Metal name plates are to be worn on all Class "A" shirts, Class "B" shirts, and Ike jackets. Embroidered names or name tapes are not allowed on Class "A" shirts, Class "B" shirts, and Ike jackets.

(a) Construction: The name plate will be polished yellow metal, 1/2 inch in height.

(b) Lettering: The name plate shall display the first initial (optional) and full last name of the member in 1/4 inch stamped black all capitalized block lettering..

(c) Attachment: The name plate shall be centered over the right breast pocket with the bottom of the plate directly above the top seam of the flap pocket.

1. Name plates are to be secured with two clasps, extending to the rear.

1024.15 EMBROIDERED NAME TAPES

Embroidered name tapes are to be worn on all uniforms other than Class "A" shirts, Class "B" shirts, Class "C" First Tactical V2 Pro Performance Shirts (optional), and Ike jackets.

(a) Construction: All name tapes will be constructed of material to match the color of the uniform or garment they are affixed to.

(b) Lettering: The member's first initial (optional) and Last name will be displayed, embroidered in 1/2 inch tall block letters.

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1. Green name tapes shall be embroidered with gold lettering, applied with Isacord 0704 or Madeira 1971 or equivalent as approved by the Sheriff.
2. Tan name tapes shall be embroidered with black lettering.

(c) Attachment: The embroidered name tape may be attached by Velcro (with the "loop" on the garment and the "hook" on the name tape) or machine stitched to the garment.

(d) Location: Name tapes shall be centered over the right breast pocket of the authorized uniform.

1024.16 AUTHORIZED SECTION PINS

Upon approval by the Sheriff, members affiliated with "special units" of the Sheriff's Office (ie. "K-9") may have their section "pin" embroidered in thread consistent with the thread coloring of their name tape on the respective garment.

Further regulations on pins are described in the Authorized Pins section of this policy.

1024.17 METAL INSIGNIAS

Only authorized insignias shall be worn or displayed on any uniform.

Rank insignias shall be constructed of polished yellow metal with clasps extending to the rear for fastening.

(a) Sergeant: A chevron (three bar) insignia, 5/8 inch high by 3/4 inch wide, will represent the Sergeant rank.

1. Attachment: May be worn on all collared uniform shirts. Insignia shall be affixed to the collar 1/2 inch from, and parallel to, the inner edge of the collar. The bottom edge of the insignia shall be one (1) inch from the collar point. The Chevron peak is to be affixed in the upward position.

(b) Lieutenant: A single bar measuring 3/4 inch by 3/8 inch or one (1) inch by 3/8 inch will represent the Lieutenant rank.

1. Attachment: May be worn on all collared uniform shirts and jackets. Insignia shall run parallel, 1/2 inch from the inner collar and 1/2 inch from the bottom point of the collar of the shirt. On coats and jackets, the insignia shall be attached one (1) inch from, and parallel to, the shoulder seam on the epaulets.
2. The insignia may be embroidered on the Class "C" uniform shirt.

(c) Captain: Two bars attached parallel, measuring 3/4 inch by 3/4 inch (outside dimension), will represent the Captain rank.

1. Attachment: May be worn on all collar uniform shirts and jackets. Insignia shall run parallel, 1/2 inch from the inner collar and 1/2 inch from the bottom point of the collar of the shirt. On coats and jackets, the insignia shall be attached one (1) inch from, and parallel to, the shoulder seam on the epaulets.
2. The insignia may be embroidered on the Class "C" uniform shirt.

(d) Undersheriff: Three five-point stars attached, with each having a 3/4 inch diameter.

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1. Attachment: May be worn on all collared uniform shirts and jackets. Insignia shall be affixed 3/4 inch from the inner collar and 1/2 inch from the bottom point of the collar of the shirt. The insignia shall run parallel to the top of the collar. On coats and jackets, the insignia shall be attached 3/4 inch from, and parallel to, the shoulder seam on the epaulets.
2. The insignia may be embroidered on the Class "C" uniform shirt.

(e) Sheriff: Four five-point stars attached, with each having a 3/4 inch diameter.

1. Attachment: May be worn on all collared uniform shirts and jackets. Insignia shall be affixed 3/4 inch from the inner collar and 1/2 inch from the bottom point of the collar of the shirt. The insignia shall run parallel to the top of the collar. On coats and jackets, the insignia shall be attached 3/4 inch from, and parallel to, the shoulder seam on the epaulets.
2. The insignia may be embroidered on the Class "C" uniform shirt.

1024.18 BADGES

The Sheriff's Office will issue the official Office badges (star) to all uniformed personnel as authorized. All sworn personnel, Correctional Officers, and Sheriff's Security Officers in uniform will wear a metal Sheriff's Office badge or FT Flex badge as outlined in this policy. All other uniformed personnel will wear a cloth badge.

(a) Metal Badge:

1. Class "A" shirts, Class "B" shirts, and Ike jackets (FT Flex Badges are not allowed on Class "A" and Class "B" uniforms). The metal badge will be attached on the outer uniform garment centered over the left breast uniform pocket in a badge holder. For the purposes of this policy, a badge holder is described as a patch of material above the left shirt pocket that is designed to have a badge pinned onto it.

(b) FT Flex Badge:

1. For all sworn personnel, Correctional Officers, and Sheriff's Security Officers in uniform, the FT Flex badge shall be worn on all uniforms except Class "A" shirts, Class "B" shirts, and Ike jackets.
    (a) All other uniformed personnel shall wear a cloth badge.
2. The FT Flex badge shall be attached by Velcro with the "loop" on the uniform and the "hook" on the badge.
3. The badge shall be centered over the left breast pocket, whereby the bottom star point is approximately 1/2 inch above the top pocket seam.
4. The badge must be kept in good condition. When the badge is no longer in good condition, it must be replaced.

(c) Cloth Badge:

(a) The cloth badge may be attached by Velcro (with the "loop" on the garment and the "hook" on the badge) or machine stitched to the garment.

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(b) The badge shall be centered over the left breast pocket, whereby the bottom star point is approximately 1/2 inch above the top pocket seam.

(c) The badge must be kept in good condition. When the badge is no longer in good condition, it must be replaced.

1024.19 SHOULDER PATCHES

The Office will issue authorized Office shoulder patches to all uniformed personnel.

(a) The authorized shoulder patches shall be affixed to all uniform clothing worn by staff having exposed sleeves.

(b) Attachment:

1. The authorized shoulder patches shall be machine stitched to the sleeves of all Class "A" and "B" shirts and Ike Jackets.

2. The shoulder patches on all other uniforms may be attached by Velcro (with the "loop" on the garment and the "hook" on the patch) or machine stitched to the garment.

(c) Location: The authorized shoulder patch on uniform shirts shall be 1/2 inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve. The authorized shoulder patch on jackets shall be 1/2 inch to one (1) inch below the shoulder seam of the jacket and be bisected by the crease (when applicable) in the sleeve.

(d) Shoulder patches must be kept in good condition. When the patches are no longer in good condition, they must be replaced.

1024.20 SLEEVE CHEVRONS (SERGEANT)

Sleeve chevrons shall be worn on the uniform sleeves of all Sergeant classification personnel. The sleeve chevrons will be provided by the Office.

(a) Material: Sleeve chevrons shall be of green thread, consisting of three green stripes bordered in gold (Isacord 0704 or Madeira 1971) with a black background of cotton twill, mercerized and Sanforized.

(b) Attachment: Sleeve chevrons shall be attached on the left and right sleeves of all uniform coats, jackets (Class "A" Ike jacket optional), jumpsuits, and uniform shirts.

1. Sleeve chevrons shall be machine stitched to the sleeves of all Class "A" and "B" shirts and Ike Jackets (if attached to the Class "A" Ike jacket).

2. Sleeve chevrons may be attached to all other uniforms by Velcro (with the "loop" on the garment and the "hook" on the patch) or machine stitched to the garment.

(a) Sleeve chevron attachment shall match the attachment mechanism of the shoulder patches (ie. Velcro or machine stitched).

(c) Location: The singular peek of the chevron should be 1/2 inch below the Office shoulder patch and in such a manner that a line bisecting the center of the chevron shall be perpendicular to the ground when the garment is worn.

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(d) Serviceability: Sleeve chevrons must be kept in good condition. When the chevrons are no longer in good condition, they must be replaced.

1024.21 SERVICE STRIPES

Each service stripe will represent four (4) years of Law Enforcement service.

(a) Service stripes may be affixed to all long sleeve uniform shirts and jackets.

(b) Material: Service stripes shall be of green thread, measuring two (2) inches in length, with gold (Isacord 0704 or Madeira 1971) outer embroidered thread on a black heat-seal fabric background.

(c) Location: Service stripes shall be sewn onto the left sleeve only, with black thread sewn along the border of the stripe. Service stripes shall be placed on the inner sleeve crease, at an approximately 30-degree angle, and starting four (4) inches from the end of the sleeve cuff.

(d) Serviceability: Service stripes must be kept in good condition. When the service stripes are no longer in good condition, they must be replaced.

1024.22 AUTHORIZED PINS

Members or Sections may submit a request through their chain of command to the Sheriff, for the authorization to wear certain pins.

The following are examples of currently authorized pins:

(a) Field Training Officer "F.T.O." and Jail Training Officer "J.T.O" pins: These shall be yellow metal, with 3/8 inch tall letters. These shall only be worn by current authorized training officers. These pins are to be worn directly above and centered over the member's name.

(b) Valor & Lifesaving Medals: To be worn directly above and centered over the member's name.

(c) Flag Pins: United States flag pins may be worn, centered above the name plate or embroidered name (these may be worn by any member of the Office without prior approval). The pin shall be red, white, and blue and not a variation of the flag.

(d) Service Pins as issued by the Agency (i.e., 10, 15, 20, 25 years service, etc): To be worn on the right breast pocket flap of the uniform shirt, one (1) inch from the inner seam and one (1) inch from the bottom of the flap.

(e) Special Weapons and Tactics "S.W.A.T." pin: To be worn directly above and centered over the member's name.

(f) Correctional Emergency Response Team "C.E.R.T." pin: These shall be yellow metal, with 3/8 inch tall letters. These shall only be worn by current authorized C.E.R.T. members. These pins are to be worn directly above and centered over the member's name.

(g) Dive Team: A "hard hat" emblem, yellow metal, with a diameter size not to exceed one (1) inch. To be worn directly above and centered over the member's name.

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(h) Bomb Squad: An "HDS" pin, yellow metal, with a diameter not to exceed one (1) inch. To be worn centered over the member's name.

(i) FBI National Academy Ribbon: Office members who are graduates of the FBI National Academy may wear the FBINA ribbon on their class "A" long sleeve uniform shirt. The ribbon is to be worn directly above and centered over the member's name.

(j) Stolen Vehicle Recovery Program (10851) pin: Members who have been awarded the California Highway Patrol's 10851 Stolen Vehicle Recovery Program pin are authorized to wear it on the right breast pocket flap one (1) inch from the right edge of the flap halfway between the bottom and top of the flap. Members who have qualified for more than one pin award may only wear the most recent pin as presented by the CHP.

(k) Mother's Against Drunk Driving (23152) pin: Members who have been awarded the Mother's Against Drunk Driving (23152) pin are authorized to wear it on their uniform on the right breast pocket flap one (1) inch from the right edge of the flap halfway between the bottom and top of the flap. Members who have qualified for more than one pin award may only wear the most recent pin presented by MADD.

1024.23 SHERIFF'S UNIT CITATION AWARDS

The Sheriff's Unit Citation is awarded to a unit of the Sheriff's Office that performs an act or a series of acts which demonstrate a high degree of teamwork and professionalism resulting in the attainment of Sheriff's Office goals. The Sheriff's Unit Citation Award may include a military style breast ribbon and/or lapel pin specifically designed for the effort recognized.

Award recipients may wear the award(s) as follows:

(a) The military style breast ribbon, approximately 1 1/4 inches x 3/8 inch, may be worn on the service uniform centered above the name plate or embroidered name of the member.

(b) The lapel pin may be worn on civilian attire.

1024.24 DUTY BELT

A Sam Browne duty belt will be issued by the Office. The style will be a Bianchi Accu-mold "Elite", black in color, or similar equivalent. Personnel have the option of wearing a nylon duty belt with Class "C" uniforms, however, they must maintain a Sam Browne duty belt for Class "A" and Class "B" uniforms.

The following items are provided by the Office in addition to the Sam Browne belt:

(a) Service weapon, as issued and authorized by the Office.

(b) Holster.

(c) Handcuffs and handcuff case.

(d) Ammunition pouch.

(e) Baton and baton holder.

(f) Radio and radio holder.

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(g) Flashlight and flashlight holder.

(h) OC and holder.

(i) Belt keepers.

(j) Glove pouch.

(k) Key clip.

The member shall configure their belt in a manner that all required equipment is contained on the belt or in combination with a LBV.

1024.25 LOAD BEARING VEST (LBV)

A Load Bearing Vest (LBV) may be issued by the Office or purchased by members as an alternative to the traditional Sam Browne style belt.

(a) Authorized LBVs will be manufactured by:

1. Point Blank:
    (a) Model: Maverick Mod-25
    (b) Color: OD Green
2. Or as authorized by the Sheriff.

(b) LBVs may be worn by Deputies, Correctional Officers, and Sheriff's Security Officers as an alternative to the traditional Sam Browne Duty belt.

(c) Authorized accessory pouches and pockets shall closely mirror that of the traditional Sam Browne belt in style and function.

(d) Administration reserves the right to approve or deny what is attached on the LBV.

(e) LBV Foundation: The vest body or foundation will be OD green in color.

(f) LBV Pockets: The LBV pockets will be OD green in color and will match the material of the vest body.

(g) LBV Identification Placards:

1. The front left breast area of the LBV will display the Agency approved FT Flex badge or metal badge.
2. The front right breast area of the LBV will display an OD green name tape resembling the vest body color (black LBVs still in use during the transitional allowance period will continue to display a black name tape) with the employee's last name and optional first initial in 1/2 inch gold (Isacord 0704 or Madeira 1971) block capital letters.
3. The back of the LBV shall display, centered across the shoulders, an OD green name plate resembling the vest body color (black LBVs still in use during the transitional allowance period will continue to display a black name tape) with "SHERIFF" in three (3) inch gold (Isacord 0704 or Madeira 1971 or equivalent plastic/vinyl color) block capital letters.

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(a) If a foul weather hood obstructs this name plate while not in use, the plate will need to be altered slightly lower to be readily visible from the rear.

(h) Holster: The member shall carry their assigned handgun on their strong side in an approved tactical drop holster. The holster will be black in color and constructed of molded or rigid material similar to the "Thermal-molded SAFARILAMINATE". The holster will secure to the duty belt and the straps around the deputy's thigh (if applicable). Approved holster, Safariland Model 6005 LSL Tactical Holster w/quick Release Leg harness or equivalent. Other approved holsters include the Blackhawk Serpa tactical thigh holster or equivalent in the same configuration. Holster material will be smooth molded plastic or nylon.

(i) CED: The placement of the member's Office issued CED device shall be on the opposite side from the duty firearm and carried consistent with the EDSO Conducted Energy Device Policy.

1024.26 SOFT BODY ARMOUR

Soft body armour shall be as specified and issued by the Office. The vest should be worn under the uniform shirt, inside the LBV carrier, or as authorized by the Sheriff.

1024.27 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by members in specialized units such as Aviation, the Canine Team, SWAT, OHV, Bicycle Patrol, and other specialized assignments.

1024.28 UNDERGARMENTS

(a) Undershirts may be worn by either gender in uniform. If worn, the shirt must be T-shirt style, "crew" neck, and solid black in color, with a smooth finish.

(b) No designs or other colors are permitted. No fishnet or other ventilated styles will be visible.

1024.29 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty, as directed by the Sheriff. The band will extend from the top valley of the star (2 o'clock position) to the lower peak of the star (7 o'clock position). The following mourning periods will be observed:

(a) A deputy of this Office: From the time of death until midnight on the 14th day after the death.

(b) A deputy from this or an adjacent county: From the time of death until midnight on the day of the funeral.

(c) Funeral attendee: While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th): From 0001 hours until 2359 hours.

(e) As directed by the Sheriff.

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1024.30 CIVILIAN ATTIRE

There are assignments within the Office that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear business casual attire.

(c) The following items shall not be worn on duty:

1. T-shirt alone.
2. Open toed sandals or thongs.
3. Swimsuits, tube tops, or halter tops.
4. Spandex type pants or see through clothing.
5. Distasteful printed slogans, buttons, or pins.
6. Jeans of any color (except while attending training and the member is not the trainer).

(d) Variations from this order are allowed at the discretion of the Sheriff or the authorized designee when the member's assignment or current task is not conducive to the wearing of such clothing.

(e) No item of civilian attire may be worn on duty that would adversely affect the reputation of the El Dorado County Sheriff's Office or the morale of the employees.

(f) Employees may wear authorized Class "C" uniforms, as described in this policy, for specified assignments with the Sheriff's approval.

1024.31 CIVILIAN CLASS “C” UNIFORMS

Civilian Class "C" uniforms may be worn with the shirts tucked in or out. When the shirt is tucked in, a belt shall be worn.

The civilian Class "C" uniform consists of the following:

(a) Class "C" long sleeve shirt:

1. First Tactical V2 Pro Performance Shirt.
    (a) Men's: Model number 111015. Color, Silver Tan.
    (b) Women's: Model number 121015. Color, Silver Tan.
2. Shoulder Patches: Attached and located on both shoulders as described in this policy
    (a) Shoulder patches are required for this uniform to include all office and administrative personnel.
3. Name Tape: Attached as described in this policy.

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(a) The First Tactical V2 Pro Performance shirts may have names directly embroidered as an alternative to the name tape.

(a) Embroidered names shall follow the same format as name tapes; Member's first initial (optional) and Last name will be displayed, embroidered in black thread, in 1/2 inch tall block letters.

4. Badge: Cloth Badge attached as described in this policy.

(b) Class "C" short sleeve shirt :

1. First Tactical V2 Pro Performance Short Sleeve Shirt.

(a) Men's: Model number 112012. Color, Silver Tan.

(b) Women's: Model number 122012. Color, Silver Tan.

2. Shoulder Patches: Attached and located on both shoulders as described in this policy

(a) Shoulder patches are required for this uniform to include all office and administrative personnel.

3. Name Tape: Attached as described in this policy.

(a) The First Tactical V2 Pro Performance shirts may have names directly embroidered as an alternative to the name tape.

(a) Embroidered names shall follow the same format as name tapes; Member's first initial (optional) and Last name will be displayed, embroidered in black thread, in 1/2 inch tall block letters.

4. Badge: Cloth Badge attached as described in this policy.

(c) Class "C" long pants:

1. First Tactical V2 Tactical Pants.

(a) Men's: Model number 114011. Color, OD Green.

(b) Women's: Model number 124011. Color, OD Green.

2. First Tactical A2 Pants.

(a) Men's: Model number 114038. Color, OD Green.

(b) Women's: Model number 124038. Color, OD Green.

(d) Footwear:

1. Standard uniform, foul weather, or athletic style boot as described in this policy.

1024.32 MATERNITY UNIFORM

Uniformed female personnel may wear special maternity clothing in lieu of the standard trouser and shirt uniform, after the employee receives their physician's written confirmation of pregnancy and subsequent acknowledgement and approval from the Division Commander.

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(a) The maternity clothing must be professional, reflecting a positive image of the Sheriff's Office.

(b) The uniform may be worn for 90-days following childbirth.

(c) All female employees that are approved to wear maternity clothing shall wear maternity clothing that fit properly, are clean and free of stains, and are not damaged or excessively worn.

(d) All female employees that are approved to wear maternity clothing shall wear maternity business casual attire.

(e) The following items shall not be worn on duty:

1. T-shirt alone.
2. Open toed sandals or thongs.
3. Swimsuits, tube tops, or halter tops.
4. Spandex type pants or see through clothing.
5. Distasteful printed slogans, buttons, or pins.
6. Jeans of any color (except while attending a training and the member is not the trainer).

(f) All other uniform requirements shall be adhered to.

1024.33 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, El Dorado County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize an Office badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify themself as an employee of the El Dorado County Sheriff's Office to do any of the following (Government Code §3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1024.34 OPTIONAL EQUIPMENT: MAINTENANCE AND REPLACEMENT

(a) Any optional equipment not provided by the Office shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Office for the cost of providing the Office issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of optional equipment shall be done as follows:

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1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the County Owned and Personal Property Policy).

1024.35 RETIREE BADGES

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the El Dorado County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Deputy CCW Endorsements Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the El Dorado County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1024.36 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

El Dorado County Sheriff's Office employees may not wear any uniform item, accessory, or attachment unless specifically authorized by policy, or by the Sheriff or the authorized designee.

El Dorado County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by policy, or by the Sheriff or the authorized designee.

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Nepotism and Conflicting Relationships

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this Office. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1025.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Office employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an Office employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Direct Line of Supervision - Any situation in which an employee would be in a position to affect the terms and conditions of another's employment; including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - A relative is defined as an individual who is related by blood, marriage, domestic partnership, or adoption in any of the following ways: spouse, registered domestic partner, child, parent, grandparent, grandchild, sibling, cousin, aunt, uncle, niece, nephew, or any other situation that the Human Resources Director determines creates the possibility of a conflict of interest as described in the El Dorado County Personnel Rules, Conflict of Interest rule.

(a) A spouse is a person who is a husband or wife in a valid marriage or who is a registered domestic partner as those terms are defined by California law.

Romantic Relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Supervisory Unit - A group or unit operating under the same first level supervisor.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

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Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1025.2 POLICY

It is the policy of the Sheriff's Office to regulate, restrict, or prohibit the employment of relatives, or when two (2) existing employees enter into a relationship, when it may have a detrimental effect on supervision and morale and is necessary for proper and efficient operation and delivery of county services.

1025.3 RESTRICTED DUTIES AND ASSIGNMENTS

The Office will not prohibit all romantic or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the direct line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a romantic or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy, notwithstanding the seniority of the transferred or reassigned employee.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a romantic or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining romantic or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) Employees in supervisory positions are strictly prohibited from entering into romantic relationships with subordinates. Violation of this provision may be considered grounds for discipline, up to and including termination.

(e) To avoid actual or perceived conflicts of interest, members of this Office shall refrain from developing or maintaining romantic or business relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(f) No relative of a Sheriff's Office employee may serve in or be appointed, promoted, demoted, or transferred to a position which involves a direct supervisor subordinate relationship.

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(g) The employment of relatives within the same supervisory unit in the Sheriff's Office is prohibited.

1. Exceptions may be allowed for distributed collateral assignment units which do not require relatives to work directly together or typically respond to the same incidents (i.e. FTO, JTO, K9, etc.)
2. Relatives working in the same job assignments, in the same primary duty station (Placerville / South Lake Tahoe), in overlapping supervisory units, may only overlap up to 2 hours per shift.
3. The Sheriff or the authorized designee may make exceptions to this rule during times of staffing shortages, emergencies, or unforeseen exceptional circumstances.
4. The Sheriff or the authorized designee reserves the right to reassign an employee out of a supervisory unit if a demonstrated adverse effect, as determined by the Sheriff or designee, is created by the relationship and the physical proximity as set forth above.

1025.3.1 EMPLOYEE RESPONSIBILITY

The Office relies upon employees to make notifications of relationships covered by this policy, as it is not feasible for the Office to actively monitor the romantic or business relationships of all of its employees in real time. Prior to entering into any romantic or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee must notify their supervisor or manager as soon as feasible, but in no event longer than 30 calendar days.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a romantic or business relationship, the employee shall promptly notify their uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch, as soon as feasible, to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1025.3.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff or the authorized designee of such actual or potential violations through the chain of command.

1025.3.3 MANAGEMENT RESPONSIBILITY

If an assignment conflict with this policy arises, the Sheriff's Office shall initially allow the affected employees to determine which employee will remain in their current position. If the affected employees have no preference, the Division Commander shall determine which of the employees

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will remain in their current position, considering the work history and seniority of the affected employees.

As to the other employee, the Sheriff's Office will attempt to make a mutually acceptable transfer to a similar position in another supervisory unit of the Sheriff's Office that complies with this policy. If a mutually acceptable transfer cannot be made, that employee shall be subject to layoff as defined in the El Dorado County Personnel Rules, Layoff rules.

Should the Sheriff or Undersheriff have a relationship which creates a direct line of supervision conflict with this policy, they consider consulting with the County's Chief Administrative Officer to develop a structure that, to the extent possible, excludes themselves from the decision process and defer to the next rank below or above.

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Department Badges

1026.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the El Dorado County Sheriff's Office are property of the Department and their use shall be restricted as set forth in this policy.

1026.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1026.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the El Dorado County Sheriff's Office with the written approval of the Sheriff.

(b) Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.

(c) An honorably retired deputy may keep his/her flat badge upon retirement. This flat badge badge is for use only as private memorabilia.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

(e) An honorably retired peace officer may purchase, with the approval of the sheriff, a department authorized flat badge that clearly states "Honorably Retired". This badge may be purchased through the Support Services Division.

1026.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Sheriff's Technician, Community Service Officer, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

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(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1026.2.3 RETIREE UNIFORM BADGE
Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1026.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1026.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the El Dorado County Sheriff's Office. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

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Temporary Modified-Duty Assignments

1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1027.2 POLICY

Subject to operational considerations, the El Dorado County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the office with a productive employee during the temporary period.

1027.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the El Dorado County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1027.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commander or the authorized designee. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Supervisor or Division Commander, with notice to the Sheriff.

1027.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to accommodate medical appointments or office needs.

The employee and their supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1027.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability throughout the duration of the modified-duty assignment.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor and the Support Services Lieutenant of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep their Division Commander and the Support Services Lieutenant apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status

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report and a request for an extension to the Support Services Lieutenant with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff or the authorized designee.

(d) When it is determined that an employee on modified duty will return to regular duty, the Support Services Lieutenant shall notify the employee's Division Commander and County Risk Managment by email. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1027.4.3 MEDICAL EXAMINATIONS

The office reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the office.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1027.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate office operations and the employee’s medical appointments, as mutually agreed upon with the Division Commander.

1027.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1027.5.2 SUPERVISOR RESPONSIBILITIES

The employee’s immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

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(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1027.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The office may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1027.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1027.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

1027.8 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Anti-Retaliation

1028.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1028.2 POLICY

The El Dorado County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1028.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1028.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS
A deputy or member shall not be retaliated against for reporting a suspected violation of a law or regulation of another deputy or member to a supervisor or other person in the Office who has the authority to investigate the violation (Government Code § 7286(b)).

1028.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1028.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

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(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1028.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1028.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

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1028.7.1 DISPLAY OF WHISTLE-BLOWER LAWS
The Office shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1028.8 RECORDS RETENTION AND RELEASE
Support Services shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1028.9 TRAINING
The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Illness and Injury Prevention

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the El Dorado County Sheriff's Office, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Countywide safety efforts.

1029.2 POLICY

The El Dorado County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The office will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the office to comply with all laws and regulations related to occupational safety.

1029.3 ILLNESS AND INJURY PREVENTION PLAN

The Support Services Division Commander is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

    (a) Meet regularly.

    (b) Prepare a written record of safety and health committee meetings.

    (c) Review the results of periodic scheduled inspections.

    (d) Review investigations of accidents and exposures.

    (e) Make suggestions to command staff for the prevention of future incidents.

    (f) Review investigations of alleged hazardous conditions.

    (g) Submit recommendations to assist in the evaluation of member safety suggestions.

    (h) Assess the effectiveness of efforts made by the office to meet relevant standards.

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(f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

1029.4 SUPPORT SERVICES DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Support Services Division Commander include but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the illness and injury prevention plan.
3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring office compliance to meet standards regarding the following:
   (a) Respiratory protection (8 CCR 5144)
   (b) Bloodborne pathogens (8 CCR 5193)
   (c) Aerosol transmissible diseases (8 CCR 5199)
   (d) Heat illness (8 CCR 3395)
   (e) Emergency Action Plan (8 CCR 3220)
   (f) Fire Prevention Plan (8 CCR 3221)
   (g) Hazards associated with wildfire smoke (8 CCR 5141.1)

(e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

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(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1029.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Support Services Division Commander.

(e) Notifying the Support Services Division Commander when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1029.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Support Services Division Commander via the chain of command.

The Support Services Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1029.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Support Services Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1029.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1029.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

(g) Completion of an Investigation/Corrective Action Report form.

(h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1029.9 TRAINING

The Support Services Division Commander should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the office is made aware of a new or previously unrecognized hazard.

1029.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1029.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Facility Use

1032.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office maintains and is responsible for several facilities that are used in common by employees but are not open to the public (the "Facilities"). These Facilities exist both to help the agency fulfill its mission and to enhance the quality of life of its employees. This policy is to ensure that these Facilities are used properly and are properly maintained, so they can continue to fulfill the purpose for which they were created.

These facilities include, but are not limited to:

(a) Locker Rooms

(b) Dressing Rooms

(c) Exercise Rooms

(d) Recovery Rooms

1032.2 USE OF EQUIPMENT

(a) Only currently employed members of the El Dorado County Sheriff's Office are permitted to use Facilities.

(b) All employees must read, sign, and submit an Employee Fitness Waiver prior to use of the Exercise and Recovery Rooms. This waiver will be signed once and kept on file with County Human Resources.

(c) Prior to using the Facility and its equipment, employees shall familiarize themselves with the proper use of the equipment. Employees shall not use any piece of equipment unless they clearly understand how to use it properly.

(d) Improper use of equipment is prohibited.

(e) Each piece of equipment used shall be wiped down with disinfectant after each use.

(f) Employees will ensure that any safety mechanisms are properly used and secure in order to ensure safe usage and prevent injuries.

(g) Equipment shall be returned to its proper place/position after use. Failure to store weights and equipment after use may result in revocation of privilege to use Facilities.

(h) Equipment shall not be removed from the Facility.

(i) Personal equipment shall not be brought into the Facility without prior approval.

(j) Employees are to report any malfunctioning equipment or issues to the building coordinator.

1032.3 LOCKER ROOMS

(a) Use of locker rooms maintained by the agency are subject to the following rules, designed to provide a clean and safe environment for Sheriff's Office employees.

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(b) In order for the locker rooms to be maintained in a clean manner, nothing may be stored on the benches or on the floor space outside of the lockers.

1. Employees who do not have a designated boot locker may keep their boots outside the locker in a location that does not create a tripping hazard.

(c) All items must be stored inside the employee's assigned locker. (Other than the exception listed in (b)1 above)

(d) Items stored in the drying room shall be removed once dry. Employees will make an effort not to store items longer than 24 hours.

1. Items left longer than one week may be removed at the discretion of the Division Captain.

(e) All employees shall keep their locker door closed if they are not in close proximity to it.

(f) Nothing shall be attached to exterior locker surfaces.

(g) The lockers shall be assigned by the building coordinator according to the needs of the agency and the needs of the employees.

1032.4 DRESSING ROOMS

Employees shall utilize the dressing rooms to change clothing, and shall not dress, undress, or appear in an undressed state outside of these rooms. No personal items shall be stored in the dressing rooms or showers. No more than one person shall be in a single dressing room at a time, unless warranted for medical reason.

This does not apply to EDSO facilities where dressing rooms are not available.

1032.5 EXERCISE ROOMS

(a) Use of the exercise room will be on the employee's approved wellness hour, designated break, or off duty.

(b) The use of the exercise room and equipment is strictly voluntary.

(c) Employees are encouraged to seek the approval of their physician or a medical practitioner prior to beginning any exercise program or regimen.

(d) Any employee who is serving on light or restricted duty, or who is on injury or sick leave, will self-monitor to ensure their activities are performed within the accommodation parameters as set in their current Transitional Work Agreement and/or current doctor's note.

(e) Employees shall not attempt to utilize more weight that they are capable of handling without the use of a spotter.

(f) Employees shall report any injuries immediately to an on-duty supervisor.

(g) Appropriate workout attire is required at all times. This includes pants/shorts, shirt and shoes. Clothing must be always worn.

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(h) Employees who are feeling ill or showing symptoms of sickness should refrain from using the exercise room to prevent the spread of illness to others. Failure to comply with these rules may result in removal from the Facility.

1032.6 RECOVERY ROOMS

The recovery rooms are designed to provide alternative opportunities for wellness for all employees. The ability for employees to restore, recover and decompress is central to the overall mission of sustained employee wellness and supports the Sheriff's Office approach to its mission and vision.

(a) Use of the recovery room is on a first come, first served basis. Employees may use this room on their approved wellness hour, designated break, or off duty.

(b) Employees should be aware of their current health and how the equipment may affect them. Employees are strongly encouraged to seek the approval of their physician or a medical practitioner prior to use.

(c) Use of the sauna and massage chair shall not exceed thirty (30) minutes each.

1. Prior to using the sauna, the on-duty Sergeant should be notified.

(d) The recovery room is intended to be a quiet space. Please be courteous of others.

(e) Water only is permitted in the room. No food or other beverages.

(f) No more than one person shall be in the sauna at a time. Employees shall use towels to help maintain a clean and hygienic atmosphere.

(g) Appropriate workout attire is required at all times. Clothing must be always worn. Sandals or shower shoes shall be worn in the sauna.

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Attachments

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Hate Crime Checklist.pdf

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HATE CRIME CHECKLIST

VICTIM

Victim Type:

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
(e.g., non-profit, private, public school)
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

Target of Crime (Check all that apply):

☐ Person ☐ Private property ☐ Public property

☐ Other _____

Nature of Crime (Check all that apply):

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

BIAS

Type of Bias
(Check all characteristics that apply):

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
(e.g., 9/11, holy days)
☐ Other: _____

Specify disability (be specific):

_____

_____

Actual or Perceived Bias – Victim's Statement:

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

If perceived, explain the circumstances in narrative portion of Report.

Reason for Bias:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Bias Indicators (Check all that apply):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

Describe with exact detail in narrative portion of Report.

HISTORY

Relationship Between Suspect & Victim:

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
If Yes, describe in narrative portion of Report

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
If Yes, describe in narrative portion of Report
Type of order: _____ Order/Case# _____

WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

HATE CRIME CHECKLIST

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

OBSERVATIONS

VICTIM	SUSPECT
☐ Tattoos	☐ Tattoos
☐ Shaking	☐ Shaking
☐ Unresponsive	☐ Unresponsive
☐ Crying	☐ Crying
☐ Scared	☐ Scared
☐ Angry	☐ Angry
☐ Fearful	☐ Fearful
☐ Calm	☐ Calm
☐ Agitated	☐ Agitated
☐ Nervous	☐ Nervous
☐ Threatening	☐ Threatening
☐ Apologetic	☐ Apologetic
☐ Other observations: _____	☐ Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	☐ Yes	☐ No
Has suspect ever harmed you?	☐ Yes	☐ No
Does suspect possess or have access to a firearm?	☐ Yes	☐ No
Are you afraid for your safety?	☐ Yes	☐ No
Do you have any other information that may be helpful?	☐ Yes	☐ No

Resources offered at scene: ☐ Yes ☐ No Type: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

Paramedics at scene? ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Senior and Disability Victimization First Responder Guide.pdf

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Senior and Disability Victimization Investigations
First Responder Guide

This First Responder Guide appendix is intended to provide guidance and clarify the responsibilities of first responders while responding to reports of Senior and Disability Victimization, pursuant to SB 338 / PC 368.6(c)(8)(B).

Senior and Disability Victimization crimes can also be domestic violence and subject to the mandatory arrest requirements of 836 PC if the elements are met (Ref to Domestic Violence policies). Each investigation should be thoroughly investigated and if an arrest can be made, it should be. The El Dorado County Sheriff's Office will investigate all reported incidents of alleged Senior and Disability Victimization and ensure proper reporting and notification as required by law.

FIRST RESPONDER REQUIREMENTS

1) Deputies help to ensure the safety and well-being of potential victims and witnesses in Senior and Disability Victimization cases. All parties involved will receive equal protection and be treated with dignity and respect.
2) The reporting party should be contacted to obtain a statement and determine if a crime has occurred. The responding deputy should attempt to identify the victim, suspect and witnesses, as well as the roles and relationships of all parties.
3) The location where the victim lives should be observed for any indications of neglect or abuse. Those observations should be documented with photos and/or video as appropriate and described in related reports. Any crime scenes where potential evidence exists should be preserved.
4) Deputies should refer to the 'Senior and Disability Victimization Investigations First Responder Checklist' during their investigation. The checklist is not exhaustive and is not universally applicable. Deputies should consider all categories and determine which are applicable to the given investigation.
5) Deputies should interview each alleged victim, witness, and suspect who are available (some interviews may be most appropriately conducted specifically by a detective or other specialized investigator). Witnesses in general, but caretakers specifically, should be interviewed separately. The victim should also be interviewed separately from caretakers when feasible.
6) Deputies should make a reasonable effort to determine whether any person committed unlawful interference in a mandated report.
7) All available video (surveillance, BWC, ICV, etc.) should be observed and all available audio (911 recordings, mandated reporter calls, etc.) should be reviewed.
8) Check for prior reports received by Adult Protective Services (APS), Child Protective Services (CPS), long-term care Ombudsman programs, except as provided in WIC 9725, and other responsible agencies.

9) Deputies should use appropriate techniques when interviewing potential victims and witnesses with cognitive or communication disabilities.
    a. If an involved party with cognitive or communication disabilities is identified, steps should be taken to avoid repeated interviews whenever possible. Refer to the Communications with Persons with Disabilities policy for additional guidance.
    b. Some elders and adults/children with cognitive or communication disabilities may have difficulty narrating events, appear to be poor historians, or lack short-term memory, which adds to their vulnerability and therefore requires officers to make special efforts to provide them with equal protection.
    c. Detectives specializing in Senior and Disability Victimization can assist with determining whether the adult may be best interviewed at a specialized facility or by a Detective specializing in these investigations.
10) Victims may delay reporting incidents of sexual assault and other sex crimes for reasons including, but not limited to, shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others.
11) Ensure victims of sex crimes are aware of their right to always have a support person of their choice present during an interview or contact (PC 368.6).
12) When appropriate, deputies should request a signed medical records release from potential victims.
13) Deputies should be aware that victim cooperation is sometimes unnecessary for prosecution, and that in some cases allowing victims the option of preventing prosecution creates an opportunity for the perpetrators to obstruct justice by pressuring or threatening the victims. Each dispatch call or case should be investigated on its own evidential merits.
14) Deputies will determine if an emergency protective order is needed, and if so, they will request one through the established EPO procedure. When a relevant protective order has been issued, the deputy will make reasonable efforts to determine if the order prohibits the possession of firearms or requires the relinquishment of firearms. If the order does so, the deputy will make reasonable efforts to do each of the following:
    a. Determine if the restrained person possesses firearms.
    b. Check CLETS to determine if any firearms are registered to the restrained person.
    c. Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search.

15) If probable cause to arrest exists, the arrest should be made when necessary or advisable to protect the safety of the victim(s) or others, or an arrest warrant should be sought. This should be done in accordance with PC 836, and in the case of domestic violence, as allowed by PC 13701. If an arrest is not otherwise required by law, deputies should consider the consequences that an immediate arrest of a sole supporting family caretaker might have on the victim. The decision to arrest should be based on the best interests and caretaking needs of the elder or dependent adult victim. The present and future safety of the victim is of primary importance.
16) Deputies aware of abuse involving elder or dependent adults must notify and cross-report to Adult Protective Services (APS) and all other responsible agencies (local Ombudsman, DPH, DMFEA, etc.) as described in the Senior and Disability Victimization policy, Mandatory Notification section.
    a. Reports should indicate Forward to APS/Ombudsman/etc. as appropriate so the Records Unit can process them correctly and provide copies of the report to the respective agency(s).
    b. Deputies investigating elder or dependent adult abuse shall complete a State of California SOC 341 form (Report of Suspected Dependent Adult/Elder Abuse) and forward the report to the appropriate responsible agency(s) as the form instructs. The form shall be attached to the report.
17) Reports of Senior and Disability Victimization will be forwarded to the Investigations Unit.
18) The Investigations Unit supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based on where the abuse took place.
19) Deputies should treat an unexplained or suspicious death of an elder, dependent adult or other adult or child with a disability as a potential homicide until a complete investigation, including an autopsy, is completed, and not to assume the death of an elder or person with a disability is natural simply because of the age or disability of the deceased. The Investigations / Coroners Units shall be notified.

RECORDS UNIT RESPONSIBILITIES

If prosecution is recommended in a Senior and Disability Victimization case, the Sheriff's Office Records Unit will submit the crime report and related documentation to the appropriate prosecution office in compliance with Records Unit procedures.

SUGGESTIONS FOR INTERVIEWING ELERS AND DEPENDENT ADULTS

(Ref. Addendum B of the SDC Elder and Dependent Abuse Blueprint, per PC 368.6(c)(8)(B)(v)):

Special Concerns When Interviewing Older Victims

Interviewing older victims requires special care and patience. Simple measures such as treating the person with respect and asking permission to enter the home or to be seated can help the victim to feel less anxious. Other strategies include:

- Speak slowly and clearly, and be patient in waiting for a response.
- Keep your weapon out of sight–a weapon can be frightening.
- Address the victim by name, but do not use first names as this is considered disrespectful by many elderly persons. You might ask, “Is it okay if I call you Mrs. Smith?”
- Tell the victim you are there to help.
- If the person is having difficulty remembering when an event occurred, offer memory cues like “At the time of the event, what television program were you watching?”
- For hearing impaired persons, eliminate as much background noise as possible and use visual cues. Speak directly to the victim, looking at them when you speak.
- Allow the victim to describe the incident in their own words.
- Be patient and reassuring. Some older people, particularly, those in crisis, may need time to collect their thoughts and may need to take frequent breaks.
- Acknowledge the victim's anxiety and try to discern its cause. For example, you may say, “You seem anxious. Is there anything in particular you are worried about? Are you concerned that your relative will find out that you have talked with me?"
- Keep questions short and simple.
- Ask open-ended questions that encourage further discussion.
- Even if the victim appears to be somewhat confused, do not discount the information.
- Make every effort to obtain the fullest possible response before relying on information from others.
- Do not discount a complaint because the victim is unwilling to cooperate.
- Assess the likelihood of retaliation. If a threat is present, arrange for protection.
- Determine whom the victim first told about the abuse/neglect/fraud.
- Show the victim records or other documents that suggest abuse. Record their response to each one that is in dispute.
- Conclude the interview in such a fashion that the victim feels free to contact the investigator again.
- Ensure that the victim is capable and has the means for follow-up contact. If not, take measures to facilitate follow-up with the victim.
- Determine whether the witnesses are likely to be intimidated, made to feel guilty, or threatened with reprisal for providing testimony.

Victims with Dementia or Diminished Capacity

When interviewed patiently, persons with dementia, Alzheimer's disease or other illnesses that diminished capacity, can often provide useful information. A sensitive approach to interviewing the person with diminished capacity may yield valuable results. Following are some strategies that may make the law enforcment interview more productive:

- Keep the interview area quiet and as free as possible from environmental distractions (e.g. TV or open window with traffic noise).
- If possible, conduct the interview in the morning, to avoid the effects of "sundowning."
- Begin the interview with orienting information, such as the purpose of the interview and what you would like to accomplish.
- Offer a few words of reassurance.
- Relax and be yourself. Your degree of calmness is quickly sensed, just as any anxiety will be sensed.
- Acknowledge the person's feelings. It shows your concern and that you are trying to understand their point of view.
- Speak slowly and in a soothing tone, without infantilizing the individual.
- Give the person with diminished capacity ample time to respond.
- Repeat questions as needed, using simple and concrete words.
- Remember that what has been asked may take longer to be understood.
- Give simple directions, one step at a time.
- Distraction or redirection may help to calm and refocus an individual who is upset.
- Document non-verbal reactions. For example, if the individual becomes agitated, frightened, or mute when asked about a certain person or situation, there may be a reason.

Cultural Issues

Our community is diverse. Cultural factors may inhibit the reporting of elder abuse crimes or cooperation with law enforcement in some cases. It is important to have an understanding of the cultural factors that might influence the victim or the victim's family. Cultural norms of perseverance, silent suffering and quiet endurance are valued in many communities. These qualities are also associated with victimization. Consequently, elders may deny or minimize problems, or refuse to cooperate with authorities.

Some cultures place great value on family interdependence and multi-generational households. They may fear the social consequences of bringing shame to the family. Some cultures believe that maintaining community or family honor is more important than the interests of the individuals and that the authorities should not be involved in what they consider "family matters." Laws and customs in some countries forbid intervention in family affairs without the family's permission. Elders who are immigrants may also have fears in relation to law enforcement based on experiences in their country of origin. They may not know they have rights in this country

regardless of their immigrant status. They may fear deportation if law enforcement gets involved. Empathy and reassurance can help to reduce these fears.

Good cross-cultural communication begins with respect. As you would with any older victim/witness, begin by addressing a person formally, using their last name. Cultural beliefs often emerge during interviews. While a gentle touch on the shoulder may be comforting to some elderly victims, in some cultures this is considered an intrusion or offensive. In some cultures it is considered disrespectful to make eye contact with an authority figure such as a law enforcement officer, while in others it is rude not to make eye contact. Some victims may be reluctant to reveal injuries that are covered with clothing due to cultural customs of modesty or religious beliefs. Be careful not to interpret an unwillingness to show injuries as an indication that there are no injuries. While culture does play a significant role in shaping a person's behavior, it should not be seen as an automatic predictor of how a given victim will respond. Each case is unique and should be assessed keeping relevant aspects of culture in mind.

Language

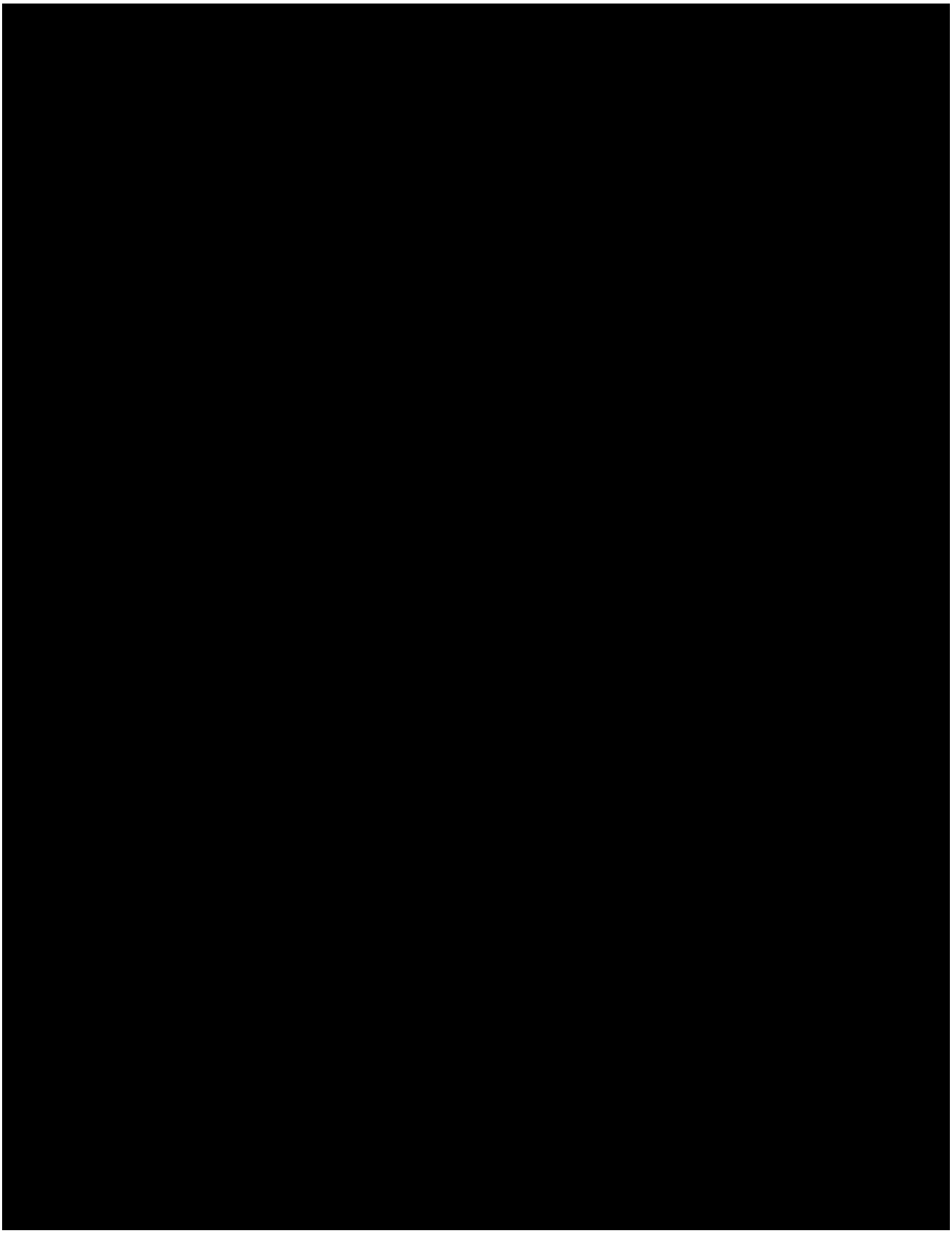
Many elders who live in insular ethnic communities do not speak English. In these situations it is important to use an impartial interpreter. Avoid using a family member, friend or neighbor to communicate with the victim or with the suspected offender. This is likely to bias the translation. The interpreter may be involved in the abusive situation or may give an inaccurate translation due to their personal bias. The victim may also be reluctant to speak honestly in front of an acquaintance or family member.

Fears the Victim May Have

Victims may fear retribution, such as isolation or emotion/verbal abuse. The abuser may be an adult child or grandchild. It may be very difficult for a parent to testify against a child. The abuse may cast doubt on their ability to live alone and they will be placed in a nursing home. The abuser may be a spouse of many years.

Suggested Interview Questions: Financial Abuse

Background Information



[redacted]

Interview Suggestions for Neglect or Physical Abuse

[redacted]

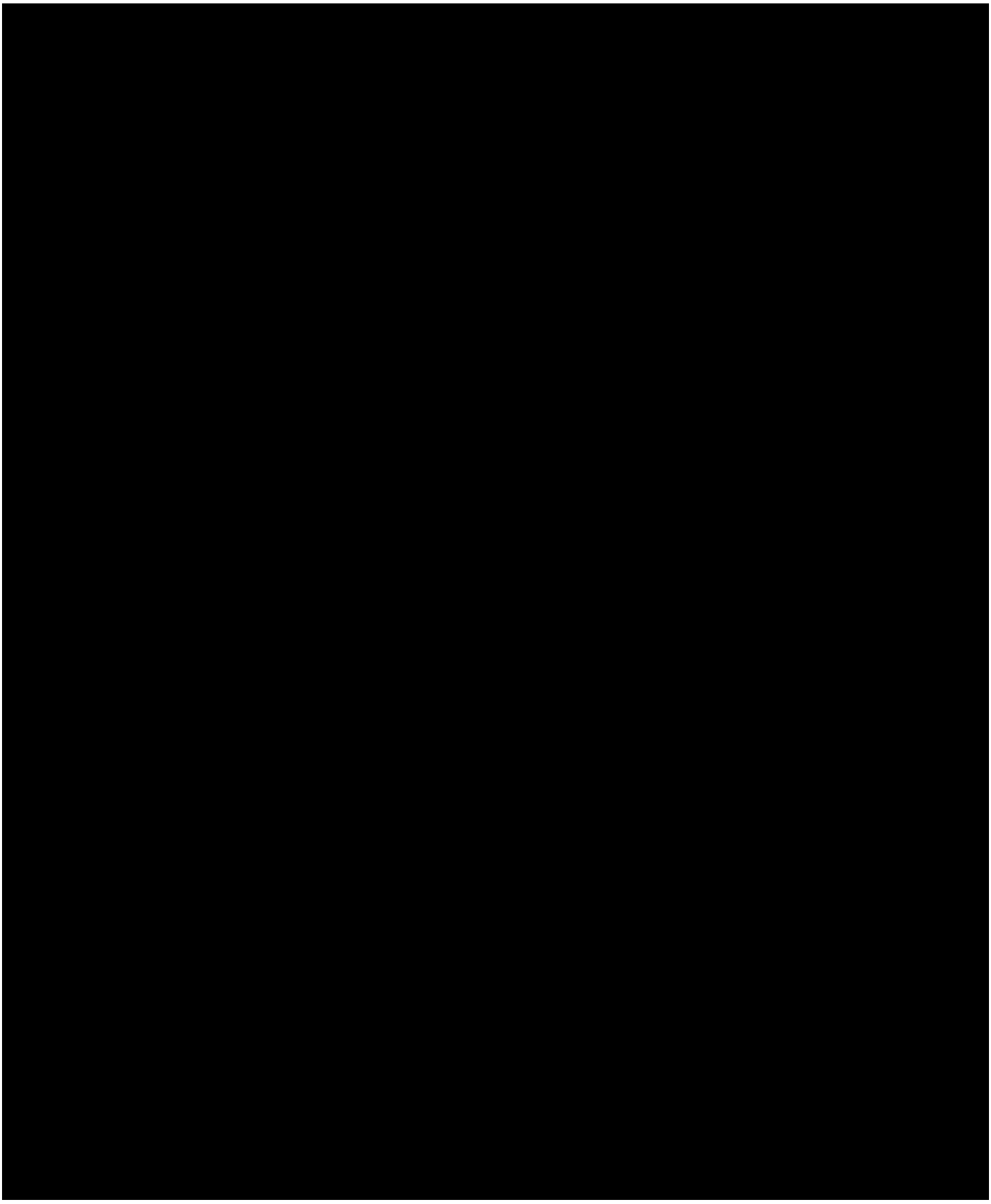
[redacted]

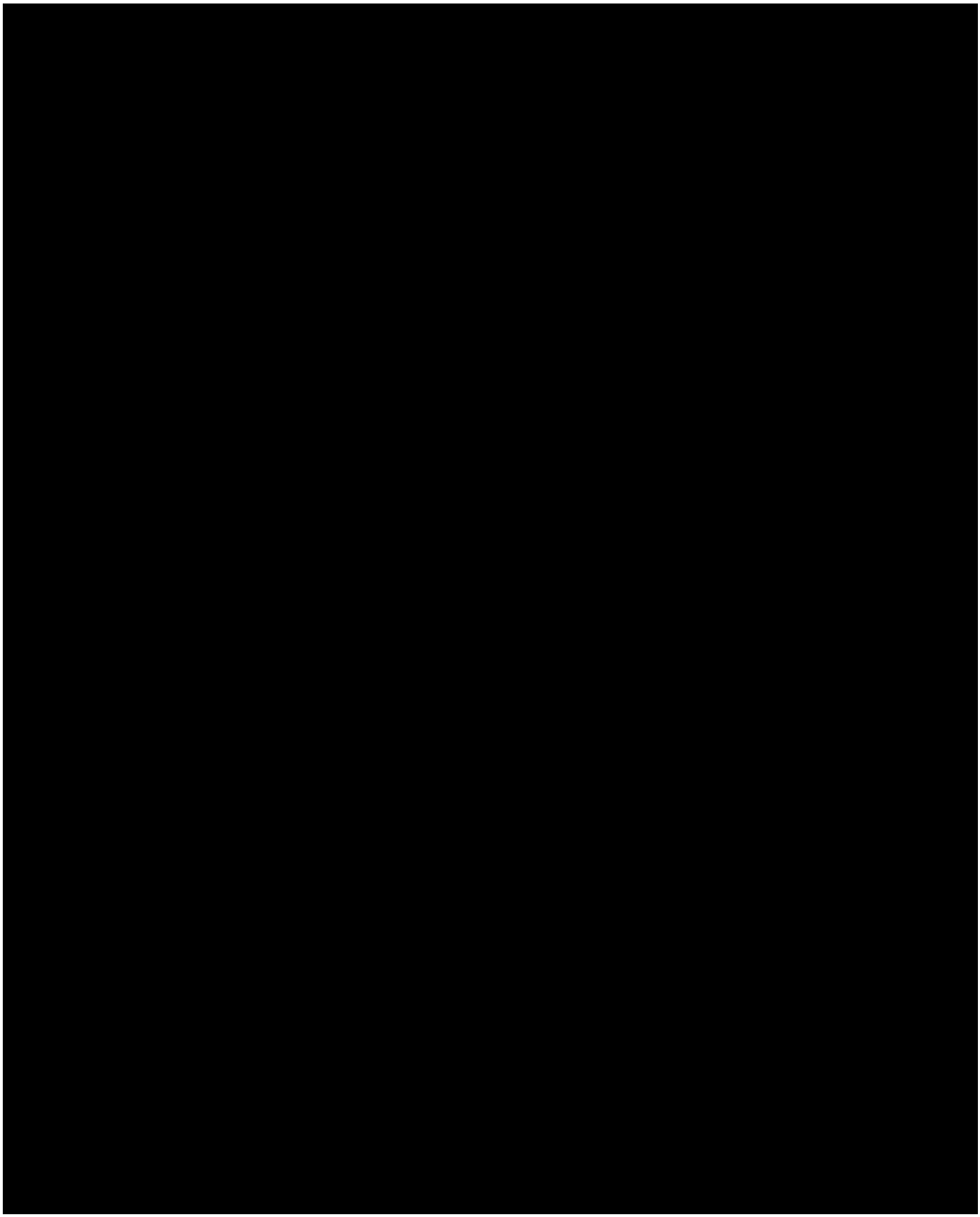
Techniques for Interviewing Suspects in Elder or Dependent Adult Cases

[redacted]

Suggested Questions for Caretakers Who May Also Be Suspects:

[redacted]





[redacted]

Suggested Questions for Suspects Who May be Contractors, Landscapers, Handyman, etc.

[redacted]

Senior and Disability Victimization First Responder Checklist.pdf

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Senior and Disability Victimization Investigations
First Responder Checklist

CASE #:	**Reporting Deputy & ID#:**

PRIMARY VICTIM

☐ Elder (65 years and older)

☐ Dependent adult (18-64 years)
**Dependent adult has physical or mental limitations which restrict their ability to carry out normal activities or to protect their rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age.*

RELATIONSHIP OF SUSPECT TO VICTIM

**If Domestic Violence, also refer to the Domestic Violence policy*

☐ Adult child of victim ☐ Minor child of victim ☐ Other family member

☐ Caregiver/care custodian (not related by blood or family)

☐ Friend ☐ Acquaintance ☐ Stranger ☐ Self ☐ Other

VICTIM		**SUSPECT**	
VICTIM NAME (Last, First, Middle)		**SUSPECT NAME (Last, First, Middle)**	
DATE OF BIRTH:	**M ☐ F ☐**	**DATE OF BIRTH:**	**M ☐ F ☐**

EMOTIONAL DEMEANOR UPON ARRIVAL

☐ Upset ☐ Crying ☐ Fearful ☐ Calm ☐ Angry

☐ Nervous ☐ Not at Scene ☐ Flat Affect

EMOTIONAL DEMEANOR UPON ARRIVAL

☐ Upset ☐ Crying ☐ Fearful ☐ Calm ☐ Angry

☐ Nervous ☐ Not at Scene ☐ Flat Affect

Reported Types of Abuse (Check all that apply)

Physical: ☐ Assault ☐ Battery ☐ Constraint ☐ Sexual ☐ Restraint ☐ Chemical ☐ Medication (over or under dosing) ☐ Other

Neglect: ☐ General: Malnutrition/clothing/shelter ☐ Isolation ☐ Abandonment ☐ Medical ☐ Sexual ☐ Fiduciary ☐ Other

Financial: ☐ Theft ☐ Misuse of funds or property ☐ Extortion ☐ Duress ☐ Fraud

Mental Suffering: ☐ Verbal assaults ☐ Threats ☐ Fear ☐ Unaddressed mental health challenges ☐ Unaddressed cognitive challenges/crisis

Self-Neglect: ☐ General: Malnutrition/clothing/shelter ☐ Unmet medical needs ☐ Unpaid bills ☐ Unkempt ☐ Suicidal
☐ Unaddressed mental health challenges ☐ Unaddressed cognitive challenges/crisis

VICTIM INJURIES

☐ Report of pain ☐ Bruise(s) ☐ Abrasion(s) ☐ Head injury

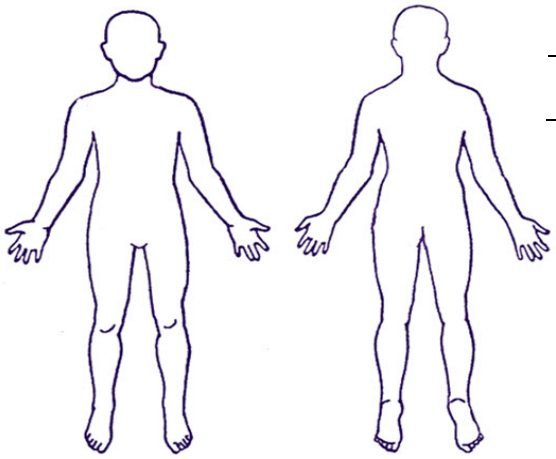
☐ Laceration(s) ☐ Possible broken bones ☐ Soreness

☐ Other:_____

Explain:_____

☐ No visible or reported injuries

☐ Draw location of injuries in diagram below



HT:

WT:

SUSPECT INJURIES

☐ Report of pain ☐ Bruise(s) ☐ Abrasion(s) ☐ Head injury

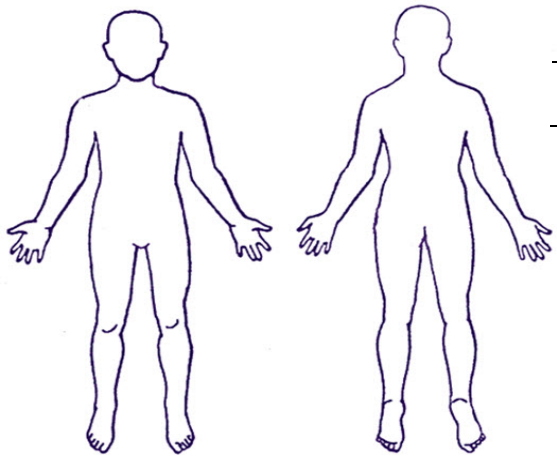
☐ Laceration(s) ☐ Possible broken bones ☐ Soreness

☐ Other:_____

Explain:_____

☐ No visible or reported injuries

☐ Draw location of injuries in diagram below



HT:

WT:

VICTIM MEDICAL

☐ Death ☐ First Aid Provided

Medications and chronic conditions or current diagnoses::

_____

List any limitations on activities of daily living: _____

Medical treatment: ☐ None ☐ Declined Medical Aid ☐ Will Seek Own

Does Victim have Medical Insurance? ☐ Yes ☐ No

☐ Paramedic Response ☐ Transported to Hospital

☐ Hospital /Medic Unit: _____

☐ Medical Release Signed by Victim?

SUSPECT MEDICAL

☐ Death ☐ First Aid Provided

Medications and chronic conditions or current diagnoses:

_____

List any limitations on activities of daily living: _____

Medical treatment: ☐ None ☐ Declined Medical Aid ☐ Will Seek Own

Does Suspect have Medical Insurance? ☐ Yes ☐ No

☐ Paramedic Response ☐ Transported to Hospital

☐ Hospital /Medic Unit: _____

☐ Medical Release Signed by Suspect?

VICTIM SUBSTANCE ABUSE

Possible influence of:

☐ Alcohol ☐ Drugs ☐ Both ☐ None

☐ Symptoms observed: _____

History of Substance Abuse by Victim? ☐ Yes ☐ No

Sample Taken By: _____

Requested Preservation (Sample Taken at Hospital): ☐

SUSPECT SUBSTANCE ABUSE

Possible influence of:

☐ Alcohol ☐ Drugs ☐ Both ☐ None

☐ Symptoms observed: _____

History of Substance Abuse by Suspect? ☐ Yes ☐ No

Sample Taken By: _____

Requested Preservation (Sample Taken at Hospital): ☐

STRANGULATION

Did the suspect strangle or "choke" the victim ☐ Yes ☐ No

FIREARMS/DEADLY WEAPONS OWNED/USED/IMPOUNDED

Firearm(s)/deadly weapon(s) used during the incident? ☐ Yes ☐ No List/describe weapon(s) used: _____

Does suspect have access to firearms? ☐ Yes ☐ No List/describe: _____

Firearm(s)/deadly weapon(s) impounded per PC 18250? ☐ Yes ☐ No List/describe weapon(s) impounded: _____

HISTORY OF ABUSE

Prior history of abuse/neglect from this suspect? ☐ Yes ☐ No Was this prior abuse/neglect documented by law enforcement? ☐ Yes ☐ No

Approximate number of prior incidents: _____ Case Number(s): _____

Investigating Agency(s):_____

WITNESSES

Witnesses present during incident? ☐ Yes ☐ No

Witness info listed in crime report? ☐ Yes ☐ No

All witness statements taken? ☐ Yes ☐ No

Interview caregivers separately (if applicable)

CROSS REPORT TO ADULT PROTECTIVE SERVICES

Peace officers are mandated per 15630 (b)(1) W&I to report suspected elder and dependent abuse and neglect

Cross report to APS filed? ☐ Yes ☐ No Date/Time cross reported to APS: Adult Protective Services: (530) 642-4800

EVIDENCE COLLECTED

Physical Evidence Collected (e.g. torn clothing, broken objects)? ☐ Yes ☐ No

Location Collected: ☐ Crime Scene ☐ Hospital ☐ Other: _____

Photographs Taken? ☐ Victim ☐ Suspect Photographs Of: ☐ Crime Scene ☐ Physical Evidence ☐ Witness(es) ☐ Other: _____

RESTRAINING ORDERS

TRO/RO on record? ☐ Yes ☐ No If Yes, Issuing court::_____ ☐ TRO/RO No. _____

Emergency Protective Order Issued? ☐ Yes ☐ No

VICTIM RESOURCES PROVIDED

☐ Incident or Crime Case Number

☐ Elder & Dependent Adult Abuse Resource Guide

☐ Victim Advised of Right to Support Person

☐ Victim Advised of Right to EPO

☐ If Regional Center client, did you advise the victim to contact their Case Manager or offer to contact Case Manager on victim's behalf?

Senior and Disability Victimization Investigations
First Responder Checklist

ELDER / DEPENDENT ADULT INTERVIEW AND/OR OBSERVATIONS:

Are there other people present in the home or interview location?

☐ Yes ☐ No ☐ Unknown

Were other people present during the interview?

☐ Yes ☐ No ☐ Unknown

If yes, what is their relationship with the elder/dependent adult?

☐ Family Member: Name/Note: _____

☐ Paid Caregiver: Name/Note: _____

☐ Other: Name/Note: _____

Does the adult have any known/observed impairments?

Hearing impaired (e.g. hearing aid(s))	☐ Yes	☐ No	☐ Unknown	Note: _____
Visually impaired (e.g. wears glasses)	☐ Yes	☐ No	☐ Unknown	Note: _____
Mobility Impaired (e.g. cane or walker)	☐ Yes	☐ No	☐ Unknown	Note: _____
Memory difficulty:	☐ Yes	☐ No	☐ Unknown	Note: _____
Signs of confusion:	☐ Yes	☐ No	☐ Unknown	Note: _____

Hygiene and Appearance observations:

Dressed appropriately	☐ Yes	☐ No	☐ Unknown	Note: _____
Dirty or bad odors	☐ Yes	☐ No	☐ Unknown	Note: _____
Stained clothing	☐ Yes	☐ No	☐ Unknown	Note: _____
Obvious wounds	☐ Yes	☐ No	☐ Unknown	Note: _____

Does the adult have any medical conditions? If so, list:

_____

_____

_____

_____

_____

Does the adult take medications? If so, list (note expiration dates):

_____

_____

_____

_____

_____

Can the adult do the following independently (without assistance)?

Access food and water?	☐ Yes	☐ No	☐ Unknown	Note: _____
Call for assistance if needed?	☐ Yes	☐ No	☐ Unknown	Note: _____
Leave the residence?	☐ Yes	☐ No	☐ Unknown	Note: _____
Bathing and dressing?	☐ Yes	☐ No	☐ Unknown	Note: _____
Continence and toileting?	☐ Yes	☐ No	☐ Unknown	Note: _____

Senior and Disability Victimization Investigations
First Responder Checklist

Suspicion of Physical Abuse:				**☐ Not Applicable**
Victim aware of injuries	☐ Yes	☐ No	☐ Unknown	Note: _____
Bruises	☐ Yes	☐ No	☐ Unknown	Note: _____
Facial injuries	☐ Yes	☐ No	☐ Unknown	Note: _____
Lacerations	☐ Yes	☐ No	☐ Unknown	Note: _____
Restraint marks	☐ Yes	☐ No	☐ Unknown	Note: _____
Broken bones	☐ Yes	☐ No	☐ Unknown	Note: _____
Burns	☐ Yes	☐ No	☐ Unknown	Note: _____
Bite marks	☐ Yes	☐ No	☐ Unknown	Note: _____
Over/Under medicated	☐ Yes	☐ No	☐ Unknown	Note: _____
Hair pulled out	☐ Yes	☐ No	☐ Unknown	Note: _____
Uncooperative caregiver	☐ Yes	☐ No	☐ Unknown	Note: _____
Weapons used	☐ Yes	☐ No	☐ Unknown	Note: _____

Suspicion of Sexual Abuse:				**☐ Not Applicable**
Victim aware of sexual abuse	☐ Yes	☐ No	☐ Unknown	Note: _____
Eyewitness reports	☐ Yes	☐ No	☐ Unknown	Note: _____
Bruises to breasts/genital Areas	☐ Yes	☐ No	☐ Unknown	Note: _____
Torn/Bloody undergarments	☐ Yes	☐ No	☐ Unknown	Note: _____
Difficulty walking/sitting	☐ Yes	☐ No	☐ Unknown	Note: _____
Sexually transmitted disease	☐ Yes	☐ No	☐ Unknown	Note: _____
Bite marks	☐ Yes	☐ No	☐ Unknown	Note: _____
Imprint injuries	☐ Yes	☐ No	☐ Unknown	Note: _____
Over/Under medicated	☐ Yes	☐ No	☐ Unknown	Note: _____
Uncooperative caregiver	☐ Yes	☐ No	☐ Unknown	Note: _____
Weapons used	☐ Yes	☐ No	☐ Unknown	Note: _____

Suspicion of Neglect / Cruelty:				**☐ Not Applicable**
Victim aware of neglect	☐ Yes	☐ No	☐ Unknown	Note: _____
Lack of basic services	☐ Yes	☐ No	☐ Unknown	Note: _____
Abandonment	☐ Yes	☐ No	☐ Unknown	Note: _____
Inappropriate clothing	☐ Yes	☐ No	☐ Unknown	Note: _____
Inadequate heating/cooling	☐ Yes	☐ No	☐ Unknown	Note: _____
Bed sores	☐ Yes	☐ No	☐ Unknown	Note: _____
Hoarding/Unsafe environment	☐ Yes	☐ No	☐ Unknown	Note: _____
Fleas/Lice/Roaches/Rodents	☐ Yes	☐ No	☐ Unknown	Note: _____
Fecal/Urine odors or stains	☐ Yes	☐ No	☐ Unknown	Note: _____
Lock/Chain on interior doors	☐ Yes	☐ No	☐ Unknown	Note: _____
Unsanitary living conditions	☐ Yes	☐ No	☐ Unknown	Note: _____
Dehydration / malnutrition	☐ Yes	☐ No	☐ Unknown	Note: _____

Senior and Disability Victimization Investigations
First Responder Checklist

Suspicion of Emotional Abuse: ☐ **Not Applicable**

Victim aware of abuse	☐ Yes	☐ No	☐ Unknown	Note: _____
Upset/Agitated	☐ Yes	☐ No	☐ Unknown	Note: _____
Fearful to say or do anything	☐ Yes	☐ No	☐ Unknown	Note: _____
Withdrawn / non-responsive	☐ Yes	☐ No	☐ Unknown	Note: _____
Nervous around caregiver/other	☐ Yes	☐ No	☐ Unknown	Note: _____
Caregiver restricts communication	☐ Yes	☐ No	☐ Unknown	Note: _____

Suspicion of Financial Abuse: ☐ **Not Applicable**

Victim aware of abuse	☐ Yes	☐ No	☐ Unknown	Note: _____
Unlicensed personal home care	☐ Yes	☐ No	☐ Unknown	Note: _____
Other financially dependent adult(s)	☐ Yes	☐ No	☐ Unknown	Note: _____
Appearance of uninvolved relative(s)	☐ Yes	☐ No	☐ Unknown	Note: _____
Stacks of unopened mail	☐ Yes	☐ No	☐ Unknown	Note: _____
New names on signature cards	☐ Yes	☐ No	☐ Unknown	Note: _____
Unauthorized withdrawals	☐ Yes	☐ No	☐ Unknown	Note: _____
Forged signatures	☐ Yes	☐ No	☐ Unknown	Note: _____
Abrupt changes in will	☐ Yes	☐ No	☐ Unknown	Note: _____
Disappearance of funds/possessions	☐ Yes	☐ No	☐ Unknown	Note: _____
Unpaid bills / collection notices	☐ Yes	☐ No	☐ Unknown	Note: _____
Sudden transfer of assets	☐ Yes	☐ No	☐ Unknown	Note: _____
Purchases for the abuser's benefit	☐ Yes	☐ No	☐ Unknown	Note: _____
Inappropriate reimbursements	☐ Yes	☐ No	☐ Unknown	Note: _____

Suspicion of Self Neglect: ☐ **Not Applicable**

Dehydration/Malnutrition	☐ Yes	☐ No	☐ Unknown	Note: _____
Lack of medical attention	☐ Yes	☐ No	☐ Unknown	Note: _____
Expired medication	☐ Yes	☐ No	☐ Unknown	Note: _____
Unsafe/Unsanitary living conditions	☐ Yes	☐ No	☐ Unknown	Note: _____
Inappropriate/Inadequate clothing	☐ Yes	☐ No	☐ Unknown	Note: _____
Lack of assistance devices	☐ Yes	☐ No	☐ Unknown	Note: _____

Additional Notes / Observations: _____

2022 Military Equipment Inventory Report.pdf

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El Dorado County
Sheriff's Office

Annual Military Equipment Report and Use Policy

2022

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Introduction

In September of 2021, the State of California approved AB481 which created California Government Code 7070 – 7075. These government codes require California law enforcement agencies to report the ownership, purchasing, and use of certain "military style" equipment defined by the statute. This annual report is designed to meet these requirements.

The ultimate goal in any high-risk incident is a peaceful resolution. The use of the equipment listed in this policy is to provide Sheriff's Office staff with the tools to keep our community safe without placing them in additional danger. These tools allow the Deputies and Correctional Officers to de-escalate incidents, stop violence when it occurs, and keep our community a safe place to live, work, and play.

"A modern approach to traditional law enforcement values; Total enforcement on crime and criminals; Total care for victims, witnesses and the community; Total professionalism, through training and by example"

-Sheriff Jeff Leikauf

Unmanned Aircraft Systems (UAS) and Ground Vehicles

Unmanned Aircraft Systems (UAS) are portable, commercially available aircraft commonly known as "drones". In 2022, the Sheriff's Office used UAS to assist in search and rescues, to assist with firefighting operations, and to assist law enforcement operations in gathering information during dangerous incidents without placing deputies in harms way. Unmanned Ground Vehicles are portable, remote controlled, tracked, or wheeled robots. In 2022, the Sheriff's Office used unmanned ground vehicles for explosive ordinance disposal (EOD) and to perform tasks or make observations during dangerous incidents.

DJI Matrice	
Description	Unmanned Aircraft System (UAS) with the associated equipment necessary to control it remotely.
Quantity	1
Capability	UAS weighing approximately 8 pounds with advanced camera/zoom capabilities and up to 5 minutes of flight time.
Life Span	3-5 years.
Manufacturer's Desc	The ultimate platform for aerial productivity combines a rugged design and simple configurability to work as a solution for a variety of industrial applications.
Purpose	Major collision investigations, Search for missing persons, Natural disaster management, Crime scene photography, SWAT tactical or other public safety and life preservation missions, In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.
Authorized Usage	Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
Initial Cost	$21,158.00
Ongoing Cost	$2000, annual maintenance and battery replacement.
Legal and Procedural Rules	Use is established under FAA Regulation 14 CFR Part 107. It is the policy of EDSO to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
Training	All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend department training to maintain proficiency and an active FAA license.

DJI Inspire	
Description	Unmanned Aircraft System (UAS) with the associated equipment necessary to control it remotely.
Quantity	2
Capability	UAS with a single-color camera, weighs approx. 7.5 pounds and has video recording capabilities, approx. 30 minutes of flight time, training use only.

Life Span	3-5 years.
Manufacturer's Desc	Cinematic aerial performance for filmmakers.
Purpose	Major collision investigations, Search for missing persons, Natural disaster management, Crime scene photography, SWAT tactical or other public safety and life preservation missions, In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.
Authorized Usage	Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
Initial Cost	$1,200
Ongoing Cost	$2,000, annual maintenance and battery replacement.
Legal and Procedural Rules	Use is established under FAA Regulation 14 CFR Part 107. It is the policy of EDSO to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
Training	All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend department training to maintain proficiency and an active FAA license.

DJI Mavic Enterprise	
Description	Unmanned Aircraft System (UAS) with the associated equipment necessary to control it remotely.
Quantity	3
Capability	UAS that has a color and inferred camera as well as audible speaker and light. Capable of video recording and weighs 899 grams, approx. 30 minutes of flight time.
Life Span	3-5 years.
Manufacturer's Desc	Designed to empower a new generation of workers, the Mavic 2 Enterprise is the ultimate expression of a tool that delivers beyond expectation to meet current workplace challenges and future demands.
Purpose	Major collision investigations, Search for missing persons, Natural disaster management, Crime scene photography, SWAT tactical or other public safety and life preservation missions, In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.
Authorized Usage	Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
Initial Cost	$3,350
Ongoing Cost	$2,000, annual maintenance and battery replacement.
Legal and Procedural Rules	Use is established under FAA Regulation 14 CFR Part 107. It is the policy of EDSO to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
Training	Major collision investigations, Search for missing persons, Natural disaster management, Crime scene photography, SWAT tactical or other public safety and life preservation missions, In response to specific

	requests from local, state or federal fire authorities for fire response and/or prevention.

DJI Mavic Mini	
Description	Unmanned Aircraft System (UAS) with the associated equipment necessary to control it remotely.
Quantity	4
Capability	UAS that has 30 minutes of flight time and weighs 49 g.
Life Span	3-5 years.
Manufacturer's Desc	The everyday flycam.
Purpose	Major collision investigations, Search for missing persons, Natural disaster management, Crime scene photography, SWAT tactical or other public safety and life preservation missions, In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.
Authorized Usage	Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
Initial Cost	$369
Ongoing Cost	$2,000, annual maintenance and battery replacement.
Legal and Procedural Rules	Use is established under FAA Regulation 14 CFR Part 107. It is the policy of EDSO to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
Training	Major collision investigations, Search for missing persons, Natural disaster management, Crime scene photography, SWAT tactical or other public safety and life preservation missions, In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

DJI Phantom	
Description	Unmanned Aircraft System (UAS) with the associated equipment necessary to control it remotely.
Quantity	2
Capability	UAS that weighs approx. 3 pounds, 30 min flight time and a 3-axis gimbal mounted camara and IR capable.
Life Span	3-5 years.
Manufacturer's Desc	Pro-Level Aerial Imaging
Purpose	Major collision investigations, Search for missing persons, Natural disaster management, Crime scene photography, SWAT tactical or other public safety and life preservation missions, In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.
Authorized Usage	Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
Initial Cost	$1,500

Ongoing Cost	$2,000, annual maintenance and battery replacement.
Legal and Procedural Rules	Use is established under FAA Regulation 14 CFR Part 107. It is the policy of EDSO to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
Training	Major collision investigations, Search for missing persons, Natural disaster management, Crime scene photography, SWAT tactical or other public safety and life preservation missions, In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

Brinc Lemur	
Description	Unmanned Aircraft System (UAS) with the associated equipment necessary to control it remotely.
Quantity	2
Capability	UAS weighing 2.4 pounds designed for tactical applications that has 2-way communication ability, white and IR light options, glass break tool, live video, and the ability to push open door partially ajar. Approximate flight time of 31 minutes.
Life Span	3-5 Years
Manufacturer's Desc	The LEMUR 2 has been proven in real-world call-outs. It is a highly-reliable, tactical tool that can help to de-escalate dangerous situations, and save lives.
Purpose	Major collision investigations, Search for missing persons, Natural disaster management, Crime scene photography, SWAT tactical or other public safety and life preservation missions, In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.
Authorized Usage	Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
Initial Cost	$16,000
Ongoing Cost	$2,000, annual maintenance and battery replacement.
Legal and Procedural Rules	Use is established under FAA Regulation 14 CFR Part 107. It is the policy of EDSO to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
Training	Major collision investigations, Search for missing persons, Natural disaster management, Crime scene photography, SWAT tactical or other public safety and life preservation missions, In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

Remotec Andros F6-A	
Description	Bomb disposal and utility unmanned ground vehicle (robot).
Quantity	1
Capability	F6A is a heavy-duty robot. It has stair climbing ability and an arm capable of lifting 65lbs. The F6A also offers multiple communications

	options, a chassis and manipulator that allow for accessories and tool combinations, and quick-release pneumatic wheels for rapid width reduction.
Life Span	8-10 years.
Manufacturer's Desc	The "ANDROS" (collectively a part of the RONS- "Remote Ordinance Neutralization System") is a class of remotely-controlled bomb disposal robot used by the American military as well as by SWAT and law enforcement groups.
Purpose	To be used to remotely gain visual/audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings.
Authorized Usage	Only assigned operators who have been trained shall be permitted to operate the robots. Use is established by the SWAT Team, Bomb Squad Commander and or Incident Commander.
Initial Cost	$215,000
Ongoing Cost	$3,000 annual maintenance and battery replacement cost.
Legal and Procedural Rules	It is the policy of EDSO to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
Training	All robot operators must complete specialized training prior to operating the robot platforms.

Telerob Telemax Pro	
Description	Bomb disposal and utility unmanned ground vehicle (robot).
Quantity	1
Capability	The Telemax Pro is a heavy-duty robot with greater articulation and tool combinations than the Andros counterpart. It has a more compact operating frame, making it better suited for tighter spaces.
Life Span	8-10 years.
Manufacturer's Desc	With their advanced, specialized precision manipulators, autonomous functionality and intuitive operation, our rugged, all-terrain Telemax UGVs accommodate a high degree of mission flexibility while enabling the operator to focus on what matters most: completing the mission safely even under the most demanding conditions.
Purpose	To be used to remotely gain visual/audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings.
Authorized Usage	Only assigned operators who have been trained shall be permitted to operate the robots. Use is established by the SWAT Team, Bomb Squad Commander and or Incident Commander.
Initial Cost	$319,000
Ongoing Cost	$4,000 annual maintenance and battery replacement cost.
Legal and Procedural Rules	It is the policy of EDSO to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
Training	All robot operators must complete specialized training prior to operating the robot platforms.

ICOR Mini-Caliber

Description	SWAT unmanned ground vehicle (robot).
Quantity	1
Capability	The ICOR Mini-Caliber is a lightweight, modular robot that can be carried by hand to a deployment location. It is a more nimble, less complicated operating platform that is used in tactical situations by the EDSO SWAT Team.
Life Span	8-10 years.
Manufacturer's Desc	Designed for rapid tactical missions, the robot is simple to operate and quick to deploy for searching rooms, hallways, stairwells and confined spaces. With rubber tracks and articulating front and rear flippers, the Mini-CALIBER effortlessly climbs stairs. It also includes an extendible rotating claw arm that simplifies opening door handles.
Purpose	To be used to remotely gain visual/audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings.
Authorized Usage	Only assigned operators who have been trained shall be permitted to operate the robots. Use is established by the SWAT Team, Bomb Squad Commander and or Incident Commander.
Initial Cost	$47,370
Ongoing Cost	$3,000 annual maintenance and battery replacement cost.
Legal and Procedural Rules	It is the policy of EDSO to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
Training	All robot operators must complete specialized training prior to operating the robot platforms.

Armored Vehicles

The Sheriff's Office's armored vehicles are commercially available vehicles which provide ballistic protection. They are designed to be used in high-risk incidents to increase the safety of the users and for victim rescue. In 2022, the Sheriff's Office used armored vehicles on multiple high risk incidents for ballistic coverage.

Lenco Bearcat G2	
Description	Commercially produced wheeled armored personnel vehicle utilized for law enforcement and rescue purposes.
Quantity	1
Capability	The Lenco Bearcat G2, is an armored vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and deputies beyond the protection level of shield and personal body armor. The bearcat is equipped with a ram and chemical agent insertion tool.
Life Span	25 Years
Manufacturer's Desc	The Lenco BearCat G2 is the standard tactical armored vehicle for special operations units within the US Law Enforcement community. Since the early 2000s, agencies such as LAPD, LASD SEB, NYPD ESU, Boston PD and hundreds of Federal, State and Local Law Enforcement agencies have made the BearCat G2 part of their standard operating procedure. The G2 has excellent on-road driving characteristics and maneuverability in tight urban settings. The large floor plan seats 10 – 12 fully equipped officers with a long list of tactical features only found on the Lenco BearCat line of armored SWAT vehicles for Police and Government.
Purpose	To be used in response to critical incidents to enhance deputy and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.
Authorized Usage	The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. The use of armored vehicles shall be used only by deputies trained in their deployment and in a manner consistent with Office policy and training.
Initial Cost	$291,399
Ongoing Cost	$5,000 annual maintenance.
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize the armored vehicle only for official law enforcement purposes, and pursuant to State and Federal law.
Training	All driver/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.

Ring Power Rook Tactical Armored Vehicle	
Description	Commercially produced armored personnel vehicle utilized for law enforcement and rescue purposes.

Quantity	1
Capability	The Rook is a single person, armored, tracked vehicle which provides ballistic deployment for operators. It's size allows it to access tight areas and it has several utility attachments including an armored deployment/rescue platform, a hydraulic ram, a grapple claw, and an vehicle lifting tool.
Life Span	25 years.
Manufacturer's Desc	The Rook is used by law enforcement forces across the United States for the purpose of providing protection and support in high-risk situations. The Rook is equipped with a variety of specialized tools, including an armored deployment platform, hydraulic breaching ram (equipped with a chemical agent dispenser system), grapple claw, and a vehicle extraction tool.
Purpose	To be used in response to critical incidents to enhance deputy and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.
Authorized Usage	Armored vehicles shall be used only by deputies trained in their deployment and in a manner consistent with Office policy and training.
Initial Cost	$492,083
Ongoing Cost	$5,000 annual maintenance.
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize the armored vehicle only for official law enforcement purposes, and pursuant to State and Federal law.
Training	All driver/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.

Command and Control Vehicles

Command and Control Vehicles are vehicles which have been outfitted with communications, logistical, and shelter equipment to act as mobile incident command centers for any public safety emergency. In 2022, the command vehicles were on scene at several major law enforcement and natural disaster incidents allowing the Sheriff's Office to effectively respond and provide a safe working environment for staff.

Freightliner Chassis Vehicle (custom built)	
Description	A vehicle used as a mobile office that provides shelter, access to department computer systems, communication networks during extended events.
Quantity	1
Capability	The Freightliner vehicle is a mid-size vehicle that can also be utilized for SWAT/CNT and other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events.
Life Span	This is a secondary vehicle that has already exceeded it's expected lifespan.
Manufacturer's Desc	This is a custom built vehicle that does not have a manufacturer's description.
Purpose	To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.
Authorized Usage	Only employees trained in their deployment and operations in a manner consistent with Office policy and training are authorized to operate the mobile command vehicles. Situations which the mobile command vehicles are authorized for use would include but not be limited to critical incidents, emergencies, and natural disasters.
Initial Cost	Not recorded
Ongoing Cost	$3,000
Legal and Procedural Rules	It is the policy of the Sheriff's Office to use the mobile command vehicles only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
Training	The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the county with an experienced driver. Driver/operators shall also undergo California Department of Motor Vehicles commercial vehicle testing.

Trivan Mobile Command Trailer	
Description	A trailer used as a mobile office that provides shelter, access to department computer systems, communication networks during extended events.
Quantity	1
Capability	The Trivan command vehicle is a large 5th wheel trailer equipped with technology for communications, connectivity, and observation. This

	vehicle is designed to be a stand-alone mobile command post for large scale critical incidents or natural disasters. It has also been used as a re-population logistical center.
Life Span	20
Manufacturer's Desc	This is a custom designed trailer without a manufacturer's description.
Purpose	To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.
Authorized Usage	Only employees trained in their deployment and operations in a manner consistent with Office policy and training are authorized to operate the mobile command vehicles. Furthermore, only employees who have completed the California State Class B Commercial driving school and become properly licensed will be allowed to drive the Trivan mobile command vehicle. Situations which the mobile command vehicles are authorized for use would include but not be limited to critical incidents, emergencies, and natural disasters.
Initial Cost	$420,274
Ongoing Cost	$8,000
Legal and Procedural Rules	It is the policy of the Sheriff's Office to use the mobile command vehicles only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
Training	The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the county with an experienced driver. Driver/operators shall also undergo California Department of Motor Vehicles commercial vehicle testing.

Firearms/Ammunition of .50 Caliber or Greater

.50 caliber rifles systems are designed to defeat armor, intermediate barriers, or to disable vehicle engines in defense of human life. These tools were used for training, but were not deployed during any incidents in 2022.

McMillan TAC50	
Description	Bolt action firearm that is designed for precision shooting and designed to defeat armor and intermediate barriers.
Quantity	1
Capability	This utilizes a heavy .50 bullet which can defeat armor, intermediate barriers, or disable vehicle engines.
Life Span	10+ years.
Manufacturer's Desc	Rifle has been discontinued by manufacturer.
Purpose	To address a threat with greater precision, to defeat intermediate barriers, and/or greater distances than a handgun, if present and feasible.
Authorized Usage	Only members that have successfully completed the EDSO rifle training course by a POST certified instructor may carry a patrol rifle. Specialty rifles such as the.308 and.50 caliber rifles are only authorized to be carried by EDSO snipers who have completed a POST Sniper class.
Initial Cost	$11,891
Ongoing Cost	$50 per rifle.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 312. It is the policy of the Sheriff's Office to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
Training	Prior to using a rifle, deputies must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

Hornaday 50 BMG A-MAX Match	
Description	.50 BMG ammunition.
Quantity	35 cases of 100.
Capability	.50 750 grain bullet with a muzzle velocity of approximately 2820 and a ballistic coefficient of 1.050.
Life Span	No expiration.
Manufacturer's Desc	We carefully select every component to ensure uniformity, then load to exacting specifications to provide pinpoint accuracy. Each cartridge is loaded with either Hornady® A-MAX® bullets, our high-performance boattail hollow points, or the new, radically superior ELD® Match bullets.
Purpose	To address a threat with greater precision, to defeat intermediate barriers, and/or greater distances than a handgun, if present and feasible.

Authorized Usage	Only members that have successfully completed the EDSO rifle training course by a POST certified instructor may carry a patrol rifle. Specialty rifles such as the.308 and.50 caliber rifles are only authorized to be carried by EDSO snipers who have completed a POST Sniper class.
Initial Cost	$520
Ongoing Cost	None
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 312. It is the policy of the Sheriff's Office to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
Training	Prior to using a rifle, deputies must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

Specialized Firearms and Ammunition

Specialized firearms are rifles defined in Sections 30510 and 30515 of the Penal Code and precision rifles utilized by the trained deputies for the defense of human life. The rifles which meet the definition of Sections 30510 and 30515 of the Penal Code are semi-automatic rifles which are commonly carried throughout the nation by law enforcement and known as "patrol rifles". Precision rifles are utilized by specially trained deputies, usually in high-risk incidents. In 2022, specialized rifles were carried on by deputies on patrol and during high-risk incidents.

Colt Carbine	
Description	Firearms that are discharged from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.
Quantity	195
Capability	These rifles fire an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol but less powerful than a standard rifle. The EDSO SWAT Team uses a short-barreled version of the rifle to be lighter weight and more maneuverable in tight spaces. All carbine rifles currently in use by EDSO are semi-automatic.
Life Span	15+ Years
Manufacturer's Desc	Throughout the world today, Colt's reliability, performance, and accuracy provide our Armed Forces the confidence required to accomplish any mission. Colt's LE6920 series shares many features of its combat-proven brother, the Colt M4.
Purpose	To be used as precision weapons to address lethal threats with more precision and/or greater distances than a handgun, if present and feasible.
Authorized Usage	Only members that have successfully completed the EDSO rifle training course by a POST certified instructor may carry a patrol rifle.
Initial Cost	$1,000
Ongoing Cost	$50, per rifle.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 312. It is the policy of the Sheriff's Office to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
Training	Prior to using a rifle, deputies must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

Remington 700	
Description	Bolt action firearm that is designed for precision shooting.
Quantity	4
Capability	This weapon utilizes a .308 projectile and is deployed when there is a potential need to engage a lethal threat with a greater level of precision or to engage a target behind an intermediate barrier.

Life Span	10 years
Manufacturer's Desc	It's the number one bolt-action of all time, proudly made in the U.S.A. Since 1962, more Model 700s have been sold than any other bolt-action rifle before or since. The legendary strength of its 3-rings-of-steel receiver is now paired with a 5R barrel on every 700. Bearing the most popular bolt-action rifle in history. Top choice of military and law enforcement officers, the Model 700 is unequalled in precision. Whether defending freedom or pursuing big game, its out-of-the-box accuracy is unmatched.
Purpose	To be used as precision weapons to address lethal threats with more precision and/or greater distances than a handgun, if present and feasible.
Authorized Usage	Rifles such as the.308 and .50 caliber rifles are only authorized to be carried by EDSO snipers who have completed a POST Sniper class.
Initial Cost	$3,741
Ongoing Cost	$50 per rifle.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 312. It is the policy of the Sheriff's Office to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
Training	Prior to using a rifle, deputies must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

Accuracy International AT	
Description	Bolt action firearm that is designed for precision shooting.
Quantity	
Capability	This weapon utilizes a .308 projectile and is deployed when there is a potential need to engage a lethal threat with a greater level of precision or to engage a target behind an intermediate barrier.
Life Span	10 years
Manufacturer's Desc	The AT (Accuracy Tactical) continues the legacy of the combat proven AW308 and takes the AW to new levels. The standard model has a fixed stock with 24 inch, quick change, plain barrel. There are options for colour, folding stock, barrels and suppressors and many accessories, which can be added. The AT is ideal for Law Enforcement and civilian users.
Purpose	To address lethal threats with more precision and/or greater distances than a handgun, if present and feasible.
Authorized Usage	.308 and.50 caliber rifles are only authorized to be carried by EDSO snipers who have completed a POST Sniper class.
Initial Cost	$7,486
Ongoing Cost	$50 per rifle.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 312. It is the policy of the Sheriff's Office to utilize rifles only for official law

	enforcement purposes, and pursuant to State and Federal law regarding the use of force.
Training	Prior to using a rifle, deputies must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

Federal .223	
Description	.223 rifle ammunition.
Quantity	974 cases of 500.
Capability	55 Grain bullet with a muzzle velocity of approximately 3240 FPS and a ballistic coefficient of .269.
Life Span	No expiration.
Manufacturer's Desc	American Eagle® rifle ammunition offers consistent, accurate performance at a price that's perfect for high-volume shooting. The loads feature quality bullets, reloadable brass cases and dependable primers.
Purpose	To be used as with patrol rifles to address a threat with more precision and/or greater distances than a handgun, if present and feasible.
Authorized Usage	Only members that have successfully completed the EDSO rifle training course by a POST certified instructor may carry a patrol rifle.
Initial Cost	$204 per case
Ongoing Cost	None
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 312. It is the policy of the Sheriff's Office to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
Training	Prior to using a rifle, deputies must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

Hornaday TAP .223	
Description	.223 rifle ammunition.
Quantity	2125 cases of 200.
Capability	55 Grain bullet with a muzzle velocity of approximately 2852 FPS and a ballistic coefficient of .255.
Life Span	No expiration.
Manufacturer's Desc	TAP is the preferred choice for use in SBRs, carbines, and rifles when the probability for barrier penetration is low. Round designed to help prevent over penetration on non-barrier engagements. These factors make this bullet a great choice when collateral risk is high.
Purpose	To be used as with patrol rifles to address a threat with more precision and/or greater distances than a handgun, if present and feasible.
Authorized Usage	Only members that have successfully completed the EDSO rifle training course by a POST certified instructor may carry a patrol rifle.
Initial Cost	$135 per case
Ongoing Cost	None

Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 312. It is the policy of the Sheriff's Office to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
Training	Prior to using a rifle, deputies must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

Hornaday .308 AMAX TAP	
Description	.308 ammunition.
Quantity	237 cases.
Capability	Match grade .308 168 grain, with a muzzle velocity of approximately 2665 FPS and a ballistic coefficient of .475.
Life Span	No expiration.
Manufacturer's Desc	The 168 gr. A-MAX® bullet is a traditional match grade bullet with the performance advantages of a polymer tip. This bullet demonstrates an increase in penetration and retained weight over the 155 gr. A-MAX® bullet.
Purpose	To address a threat with greater precision, to defeat intermediate barriers, and/or greater distances than a handgun, if present and feasible.
Authorized Usage	Only members that have successfully completed the EDSO rifle training course by a POST certified instructor may carry a patrol rifle. Specialty rifles such as the.308 and.50 caliber rifles are only authorized to be carried by EDSO snipers who have completed a POST Sniper class.
Initial Cost	$210 per case
Ongoing Cost	None
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 312. It is the policy of the Sheriff's Office to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
Training	Prior to using a rifle, deputies must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

Distraction Devices

Distraction devices emit a bright white light and atmospheric overpressure to distract or divert the attention of suspects in high-risk incidents. In 2022, specially trained deputies deployed distraction devices in training and during several high-risk incidents.

Defense Technology 12-Gram low roll #8902 Flash-Bang	
Description	Diversionary device.
Quantity	44
Capability	Produces 175 dB of sound output at 5 feet and 6-8 million candelas for 10 milliseconds.
Life Span	5 Years.
Manufacturer's Desc	The Non-Reloadable Distraction Device® unit incorporates an M201A1 type fuse with hex design gun steel body. This is a compact version of the 8933 Low Roll® body Distraction Device is the newest version of the first reusable non-bursting canister that limits movement and rolling once deployed. The compact Distraction Device fits safely in your hand and packs all the power of the full-size Distraction Device. This is a smaller, lighter device with the same output.
Purpose	A distraction device is for distracting dangerous suspects during hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation.
Authorized Usage	Diversionary Devices shall only be used: i) By SWAT deputies who have been trained in their proper use. ii) In hostage and barricaded subject situations. iii) In high-risk warrant (search/arrest) services where there may be extreme hazards to deputies. iv) During other high-risk situations where their use would enhance deputy safety. v) During training exercises.
Initial Cost	$49.21
Ongoing Cost	None
Legal and Procedural Rules	Use is established EDSO SWAT procedures. It is the policy of the Sheriff's Office to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
Training	Prior to use, EDSO SWAT deputies must attend distractionary device training that is conducted by POST certified instructors as part of an 80-hour Basic SWAT School.

Chemical Agents

Chemical agents are commercially available munitions which are less lethal and used to gain compliance when lethal force is prohibited or undesirable. In 2022, chemical agents were used to de-escalate high risk incidents.

Defense Technology Triple-Chaser Separating Canister CS #1026	
Description	Chemical agent.
Quantity	15
Capability	When deployed, the munition separate into separate canisters and land approximately 20 feet apart allowing increased area coverage in a short period of time.
Life Span	5 years from date of manufacture.
Manufacturer's Desc	The Triple-Chaser CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area overage in a short period of time. This canister can be hand thrown or launched from a fired delivery system. The canister is 6.5 in. by 2.7 in. and holds an approximately 3.2 oz. of active munition payload. It has an approximate burn time of 20-30 seconds.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Only employees who have received POST certified training in the use chemical agents are authorized to use chemical agents.
Initial Cost	$47
Ongoing Cost	None
Legal and Procedural Rules	Use is established under the EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Employees utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

Defense Technology Riot Control Continuous Discharge Grenade CS #1082	
Description	Chemical agent.
Quantity	32
Capability	This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.
Life Span	5 years from date of manufacture.
Manufacturer's Desc	The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal

	tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Only employees who have received POST certified training in the use chemical agents are authorized to use chemical agents.
Initial Cost	$47
Ongoing Cost	None
Legal and Procedural Rules	Use is established under the EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Employees utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

Defense Technology Flameless Tri-Chamber CS Grenade	
Description	Chemical agent.
Quantity	60
Capability	The grenade is designed primarily for indoor situations to detect and/or dislodge a barricaded subject. The design allows the contents to burn within an internal can and disperse the agent safely with the reduces risk of fire.
Life Span	5 years from date of manufacture.
Manufacturer's Desc	The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure. The Tri-Chamber Flameless Grenade is NOT to be launched utilizing a launching cup.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Only employees who have received POST certified training in the use chemical agents are authorized to use chemical agents.
Initial Cost	$45
Ongoing Cost	None
Legal and Procedural Rules	Use is established under the EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Employees utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

Defense Technology Pocket Tactical CS grenade #1016	
Description	Chemical agent.
Quantity	20
Capability	The Pocket Tactical CS Grenade is small and lightweight at 4.75 in. by 1.4 inches in size. The 0.9 oz. of active agent will burn approximately 20-40 seconds.

Life Span	5 years from date of manufacture.
Manufacturer's Desc	The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full-size tactical grenade.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Only employees who have received POST certified training in the use chemical agents are authorized to use chemical agents.
Initial Cost	$47.60
Ongoing Cost	None
Legal and Procedural Rules	Use is established under the EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Employees utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

Defense Technology Maximum HC Smoke Military-Style #1083	
Description	Smoke canister.
Quantity	26
Capability	It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations.
Life Span	5 years from date of manufacture.
Manufacturer's Desc	The Military-Style Maximum Smoke Grenade comes from the Defense Technology #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Only employees who have received POST certified training in the use chemical agents are authorized to use chemical agents.
Initial Cost	$38 per unit.
Ongoing Cost	None
Legal and Procedural Rules	Use is established under the EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Employees utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

Combined Tactical Systems CS Baffled Canister Grenade #5230B	
Description	Chemical agent.

Quantity	26
Capability	Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.
Life Span	5 years from date of manufacture.
Manufacturer's Desc	Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. This product is specifically used for the gas injection system on the Lenco Bearcat.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Only employees who have received POST certified training in the use chemical agents are authorized to use chemical agents.
Initial Cost	$33.75 per unit.
Ongoing Cost	None
Legal and Procedural Rules	Use is established under the EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Employees utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

Defense Technology First Defense .7% MK-9 HV Vapor OC #43896	
Description	Chemical irritant.
Quantity	30
Capability	.7% MC OC aerosol product utilizes a vapor delivery method and is intended for use in crowd management. It will deliver 8-10 short bursts of OC at an effective range of 10-15 ft.
Life Span	5 years from date of manufacture.
Manufacturer's Desc	The MK-9S features an easy-to-use trigger handle, is intended for use in crowd management and will deliver 8-10 short bursts of OC at an effective range of 10-15 ft. This.7% MC OC aerosol product utilizes a vapor delivery method providing a high concentration of OC in a powerful mist inflaming the mucous membranes and exposed skin. Onset is immediate and very intense, resulting in an intense burning sensation that evaporates quickly when exposed to fresh air.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Only employees who have received POST certified training in the use chemical agents are authorized to use chemical agents.
Initial Cost	$54.10 per unit.
Ongoing Cost	None
Legal and Procedural Rules	Use is established under the EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Employees utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

Defense Technology, First Defense 1.3% MK-46V Stream OC Aerosol #43046	
Description	Chemical irritant.
Quantity	4 plus 6 refills
Capability	Chemical irritant for crowd control.
Life Span	5 years from date of manufacture.
Manufacturer's Desc	The MK-46 features a trigger handle, is intended for use in crowd management and will deliver 26 short bursts of OC at an effective range of 25-30 feet. This 1.3% MC OC aerosol product utilizes a stream delivery method providing a target-specific, strong concentrated stream for greater standoff.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Only employees who have received POST certified training in the use chemical agents are authorized to use chemical agents.
Initial Cost	$495 per unit.
Ongoing Cost	None
Legal and Procedural Rules	Use is established under the EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Employees utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

Explosive Breaching tools

Explosive breaching tools are commercially available tools and explosives. They are used by the Sheriff's Office for general explosives ordinance disposal use and can also serve a secondary function of explosive breaching to gain access to fortified structures in protection of human life. In 2022 the Sheriff's Office did not perform any explosive breaching.

Detonating Cord (PETN)	
Description	High speed fuse.
Quantity	5,800 feet.
Capability	The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high-speed fuse which explodes, rather than burns, and is suitable for detonating high explosives.
Life Span	Approximately 10 years, based on conditions.
Manufacturer's Desc	This is a generic tool that does not carry a manufacturers description.
Purpose	Fuse for detonating explosives.
Authorized Usage	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
Initial Cost	$4,150.00
Ongoing Cost	$100
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.
Training	Explosive breaching is only conducted by the EDSO EOD unit. Members of this unit must successfully complete a multi-week training course and show proficiency working with the items listed above.

Blasting Cap	
Description	Primary explosive.
Quantity	300
Capability	A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful and less sensitive secondary explosive.
Life Span	Approximately 10 years, based on conditions.
Manufacturer's Desc	This is a generic tool that does not carry a manufacturers description.
Purpose	A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful and less sensitive secondary explosive such as TNT, dynamite, or plastic explosive. Blasting caps come in a variety of types, including non-electric caps, electric caps, and fuse caps.

Authorized Usage	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
Initial Cost	$3,950
Ongoing Cost	$100
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.
Training	Explosive breaching is only conducted by the EDSO EOD unit. Members of this unit must successfully complete a multi-week training course and show proficiency working with the items listed above.

Sheet Explosive (PETN)	
Description	Explosive ordinance.
Quantity	C-1 – 50 grams, C-2 6 pounds
Capability	Sheet explosives are materials formed by combining an explosive with a "rubberizer"—a flexible binding munition. The resulting compound is cast into a flat sheet which is typically pliable and deformable over a wide range of temperature. Typical products are generally shock-insensitive secondary explosives, requiring a blasting cap or other detonator.
Life Span	Approximately 10 years, based on conditions.
Manufacturer's Desc	This is a generic tool that does not carry a manufacturers description.
Purpose	To safely gain entry into structures or render safe dangerous items.
Authorized Usage	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
Initial Cost	$1,000
Ongoing Cost	$100
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.
Training	Explosive breaching is only conducted by the EDSO EOD unit. Members of this unit must successfully complete a multi-week training course and show proficiency working with the items listed above.

C4 (RDX)	
Description	Explosive ordinance.
Quantity	10 lbs.
Capability	C-4 or Composition C-4 is a common variety of the plastic explosive family known as Composition C, which uses RDX as its explosive munition. C-4 is composed of explosives, plastic binder, plasticizer to make it malleable, and usually a marker or odorizing taggant chemical. C-4 has a texture similar to modeling clay and can be molded into any

	desired shape. C-4 is metastable and can be exploded only by the shock wave from a detonator or blasting cap.
Life Span	Unlimited.
Manufacturer's Desc	This is a generic tool that does not carry a manufacturers description.
Purpose	To safely gain entry into structures or render safe dangerous items.
Authorized Usage	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
Initial Cost	$2,250
Ongoing Cost	$100
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.
Training	Explosive breaching is only conducted by the EDSO EOD unit. Members of this unit must successfully complete a multi-week training course and show proficiency working with the items listed above.

Boosters (TNT/PETN)	
Description	Explosive ordinance.
Quantity	34
Capability	An explosive booster is a sensitive explosive charge that acts as a bridge between a (relatively weak) conventional detonator and a low-sensitivity (but typically high-energy) explosive such as TNT. By itself, the initiating detonator would not deliver sufficient energy to set off the low-sensitivity charge. However, it detonates the primary charge (the booster), which then delivers an explosive shockwave that is sufficient to detonate the secondary, main, high-energy charge.
Life Span	TNT Approximately 35 years, based on conditions. PETN approximately 10 years, based on conditions.
Manufacturer's Desc	This is a generic tool that does not carry a manufacturers description.
Purpose	To safely gain entry into structures or render safe dangerous items.
Authorized Usage	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
Initial Cost	$700
Ongoing Cost	$100
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.
Training	Explosive breaching is only conducted by the EDSO EOD unit. Members of this unit must successfully complete a multi-week training course and show proficiency working with the items listed above.

HELIX Binary Explosive	
Description	Explosive ordinance.
Quantity	12 pairs, 6lbs.
Capability	A liquid explosive suitable for use in multiple end items such as shaped charges, bulk charges, disrupters, and common demolition configurations.
Life Span	Unlimited.
Manufacturer's Desc	HELIX™ High Energy Liquid Explosive is a powerful and versatile liquid explosive which eliminates the logistical difficulties usually encountered in shipping and storing high explosives. HELIX™ is sold as two components, the liquid and the activator, each of which can remain in long term storage.
Purpose	To safely gain entry into structures or render safe dangerous items.
Authorized Usage	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
Initial Cost	$600
Ongoing Cost	$100
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.
Training	Explosive breaching is only conducted by the EDSO EOD unit. Members of this unit must successfully complete a multi-week training course and show proficiency working with the items listed above.

TNT (Artillery Charges)	
Description	Explosive ordinance.
Quantity	22 at 11lbs.
Capability	Trinitrotoluene more commonly known as TNT, is a chemical compound with the formula $C_6H_3CH_3$. This yellow solid is occasionally used as a reagent in chemical synthesis, but it is best known as an explosive material with convenient handling properties. The explosive yield of TNT is considered to be the standard comparative convention of bombs and asteroid impacts.
Life Span	Approximately 35 years, based on conditions.
Manufacturer's Desc	This is a generic tool that does not carry a manufacturers description.
Purpose	To safely gain entry into structures or render safe dangerous items.
Authorized Usage	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
Initial Cost	$1,1000
Ongoing Cost	$100
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.

Training	Explosive breaching is only conducted by the EDSO EOD unit. Members of this unit must successfully complete a multi-week training course and show proficiency working with the items listed above.

Conical Shaped Charges (RDX)	
Description	Explosive ordinance.
Quantity	31
Capability	A shaped charge is an explosive charge shaped to focus the effect of the explosive's energy. Different types of shaped charges are used for various purposes such as cutting and forming metal, breaching solid surfaces, penetrating armor, or perforating wells in the oil and gas industry.
Life Span	Unlimited.
Manufacturer's Desc	This is a generic tool that does not carry a manufacturers description.
Purpose	To safely gain entry into structures or render safe dangerous items.
Authorized Usage	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
Initial Cost	$750
Ongoing Cost	$100
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.
Training	Explosive breaching is only conducted by the EDSO EOD unit. Members of this unit must successfully complete a multi-week training course and show proficiency working with the items listed above.

Royal Remington 870 Breaching Shotgun	
Description	12-gauge shotgun specifically designed for breaching.
Quantity	2
Capability	This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
Life Span	25 years.
Manufacturer's Desc	Royal Arms Breaching Shotgun starts out with the Remington 870 Express Synthetic 12 Ga Shotgun as its base. We then completely modify it with our custom CNC machined parts to be the ultimate Breaching Shotgun. Royal Arms invented the Breachers and Breaching shotguns.

Purpose	To safely gain entry into structures or render safe dangerous items.
Authorized Usage	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
Initial Cost	$500
Ongoing Cost	$100
Legal and Procedural Rules	It is the policy of the Sheriff's Office to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.
Training	Explosive breaching is only conducted by the EDSO EOD unit. Members of this unit must successfully complete a multi-week training course and show proficiency working with the items listed above. Shotgun breaching may only be conducted by EDSO SWAT personnel who have been trained in the technique by a POST certified instructor.

Less Lethal Platforms and Munitions

Less lethal platforms are tools which fire munitions specifically designed to provide a kinetic impact which is not lethal when used within manufacturers guidelines. In 2022 the Sheriff's Office used less lethal tools to de-escalate dangerous incidents where the use of lethal force was prohibited or undesirable.

Defense Technology 40mm Single Shot Launcher #1425	
Description	40MM less lethal impact and chemical agent launcher.
Quantity	9
Capability	The 40MM Single Launcher is a tactical single shot launcher. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet.
Life Span	25 Years
Manufacturer's Desc	The 40LMTS is a tactical 40mm single shot launcher that features an expandable stock and an adjustable Integrated Front Grip (IFG) with a light rail. The Ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMTS will fire standard 40mm Less Lethal ammunition, up to 4.8 inches in cartridge length.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Situations for use of the less lethal weapon systems may include, but are not limited to: i) Self-destructive, dangerous and/or combative individuals. ii) Riot/crowd control and civil unrest incidents. iii) Circumstances where a tactical advantage can be obtained. iv) Potentially vicious animals. v) Training exercises or approved demonstrations.
Initial Cost	$1,000
Ongoing Cost	$50 per launcher.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

Penn Arms 40MM Tactical Single Shot Launcher, ML140	
Description	40MM less lethal impact and chemical agent launcher.
Quantity	2
Capability	The 40MM Single Launcher is a tactical single shot launcher. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet.

Life Span	15 years.
Manufacturer's Desc	A 40mm compact single-shot break-open frame launcher with a rifled barrel and folding stock. Features include: Double-action trigger, trigger lock push button and hammer lock safeties.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Situations for use of the less lethal weapon systems may include, but are not limited to: i) Self-destructive, dangerous and/or combative individuals. ii) Riot/crowd control and civil unrest incidents. iii) Circumstances where a tactical advantage can be obtained. iv) Potentially vicious animals. Training exercises or approved demonstrations.
Initial Cost	$735
Ongoing Cost	$50 per launcher.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

Penn Arms 40MM Multi Launcher, P540	
Description	40MM less lethal impact and chemical agent launcher.
Quantity	3
Capability	The multi launcher provides multi-shot capability in an easy to carry launcher. It will launch 40MM less lethal rounds up to 131 feet.
Life Span	15 Years
Manufacturer's Desc	A 40mm pump-action advance magazine drum launcher with a fixed stock and combo rail. It has a six-shot capacity and rifled barrel. Previously labeled the PGL-65, the features include: Double-action trigger, trigger lock push button and hammer lock safeties.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Situations for use of the less lethal weapon systems may include, but are not limited to: v) Self-destructive, dangerous and/or combative individuals. vi) Riot/crowd control and civil unrest incidents. vii) Circumstances where a tactical advantage can be obtained. viii) Potentially vicious animals. Training exercises or approved demonstrations.
Initial Cost	$2,638
Ongoing Cost	$50 per launcher.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

Training	Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

VLTOR 40MM Multi Launcher, MGL-L TL	
Description	40MM less lethal impact and chemical agent launcher.
Quantity	1
Capability	Multi-round 40MM option to launch less lethal or chemical agent rounds in critical incidents. The VLTOR multi launcher has a ratcheting cylinder that once engaged, allows for faster round deployment for 6 rounds.
Life Span	15 Years
Manufacturer's Desc	Developed with our partner company, Abrams Airborne Manufacturing, The 40mm Multi-Shot Less-Lethal Tactical Launcher (LTL) was manufactured with the needs of the modern tactical team at the forefront. The launcher is capable of firing a wide variety of 40mm LTL ammo.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Situations for use of the less lethal weapon systems may include, but are not limited to: ix) Self-destructive, dangerous and/or combative individuals. x) Riot/crowd control and civil unrest incidents. xi) Circumstances where a tactical advantage can be obtained. xii) Potentially vicious animals. Training exercises or approved demonstrations.
Initial Cost	$3,8000
Ongoing Cost	$50 per launcher.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

Defense Technology 40MM Exact Impact Sponge Round	
Description	Less Lethal 40mm impact munition.
Quantity	52
Capability	A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact.
Life Span	15 years.
Manufacturer's Desc	The eXact iMpact™ 40 mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The

	round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Situations for use of the less lethal weapon systems may include, but are not limited to: xiii) Self-destructive, dangerous and/or combative individuals. xiv) Riot/crowd control and civil unrest incidents. xv) Circumstances where a tactical advantage can be obtained. xvi) Potentially vicious animals. Training exercises or approved demonstrations.
Initial Cost	$18
Ongoing Cost	None
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

Defense Technology Ferret 40MM Barricade Penetrator #2262, #2292, #2290, #2260	
Description	A less lethal 40MM round used to penetrate barriers and instantaneously delivers a small chemical payload.
Quantity	121
Capability	A less lethal 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle.
Life Span	5 years.
Manufacturer's Desc	A less lethal 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	Situations for use of the less lethal weapon systems may include, but are not limited to: xvii) Self-destructive, dangerous and/or combative individuals. xviii) Riot/crowd control and civil unrest incidents. xix) Circumstances where a tactical advantage can be obtained. xx) Potentially vicious animals. Training exercises or approved demonstrations.
Initial Cost	$23
Ongoing Cost	None

Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

Remington 870 Shotgun (Less Lethal)	
Description	Less Lethal Shotgun used to deploy the less lethal 12-gauge Drag Stabilized Beanbag rounds.
Quantity	62
Capability	The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Drag Stabilized Beanbag Round up to a distance of 75 feet.
Life Span	25 Years
Manufacturer's Desc	If the Model 870™ were introduced today, it would be hailed as a major advance in pump-action shotgun design - the ultimate in strength, durability, silky-smooth bind-free action, and sleek classical lines. Yet this remarkable shotgun has been around for more than half a century, and has become the best-selling shotgun of any type in history, with over 11 million made.
Purpose	The range of the weapon system helps to maintain space between deputies and a suspect reducing the immediacy of the threat which is a principle of De-escalation.
Authorized Usage	Situations for use of the less lethal weapon systems may include, but are not limited to: i) Self-destructive, dangerous and/or combative individuals. ii) Riot/crowd control and civil unrest incidents. iii) Circumstances where a tactical advantage can be obtained. iv) Potentially vicious animals. v) Training exercises or approved demonstrations.
Initial Cost	$496
Ongoing Cost	$50, annual maintenance per less lethal shotgun.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	All deputies are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training. SWAT personnel receive additional training internally when they transfer to the unit.

Defense Technology 12-Gauge Drag Stabilized Beanbag Round	
Description	Less lethal 12-gauge Drag Stabilized Beanbag rounds.
Quantity	1,600
Capability	This round has a velocity of 270 fps. This round provides accurate and effective performance when fired from not fewer than twenty (20) feet. The maximum effective range of this munition is up to 75 feet from the target.
Life Span	5 Years.
Manufacturer's Desc	A less lethal 12-gauge shotgun round with a 40-Gram tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. The 12-Gauge Drag Stabilized Round has secured its place as the Law Enforcement Communities' number one choice for specialty impact munitions. This round has a velocity of 270 fps with a maximum effective range of 75 feet.
Purpose	The range of the weapon system helps to maintain space between deputies and a suspect reducing the immediacy of the threat which is a principle of De-escalation.
Authorized Usage	Situations for use of the less lethal weapon systems may include, but are not limited to: vi) Self-destructive, dangerous and/or combative individuals. vii) Riot/crowd control and civil unrest incidents. viii) Circumstances where a tactical advantage can be obtained. ix) Potentially vicious animals. Training exercises or approved demonstrations.
Initial Cost	$5.35
Ongoing Cost	None.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	All deputies are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training. SWAT personnel receive additional training internally when they transfer to the unit.

Defense Technology 12-Gauge Rubber Ball Round, #3016	
Description	Less lethal 12 gauge munition.
Quantity	90
Capability	Maximum effective range of approximately 25 feet and a velocity of 500 fps/91 mph.
Life Span	5 years.
Manufacturer's Desc	It is a translucent 12-Gauge shell loaded with approximately eighteen 32-Caliber rubber balls. The Stinger utilizes smokeless powder as the propellant. The 12-Gauge Stinger is generally considered a low to medium pain compliance round for close range deployment. The round has a maximum effective range of approximately 25 feet and a velocity of 500 fps/91 mph.

Purpose	The range of the weapon system helps to maintain space between deputies and a suspect reducing the immediacy of the threat which is a principle of De-escalation.
Authorized Usage	Situations for use of the less lethal weapon systems may include, but are not limited to: x) Self-destructive, dangerous and/or combative individuals. xi) Riot/crowd control and civil unrest incidents. xii) Circumstances where a tactical advantage can be obtained. xiii) Potentially vicious animals. Training exercises or approved demonstrations.
Initial Cost	$8.00
Ongoing Cost	None.
Legal and Procedural Rules	Use is established under EDSO Policy Sections 300 and 308. It is the policy of the Sheriff's Office to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
Training	All deputies are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training. SWAT personnel receive additional training internally when they transfer to the unit.

Future Equipment

In the 23/24 fiscal year, the Sheriff's Office is currently planning to purchase equipment which falls under the definition of military equipment per Government Code 7070. Much of the equipment is replacing consumed supplies or replacing items which have reached the end of their useful life expectancy.

Approximate Quantity	Item Description	Approximate Cost	Funding Source
1	M30T UAS System- UAS	$24,000.00	General Fund
1	SWAT Robot- SWAT	$64,000.00	Homeland Security Grant
Assorted	Misc. Explosives- EOD	$1,500.00	General Fund
4	DJI Mavic Enterprise 3- UAS	$1,500.00	General Fund
4	DJI Arvata- UAS	$500.00	General Fund
Assorted	Less Lethal Munitions- Custody	$6,000.00	General Fund
6	Colt M4 style rifles- Support Services	$1,000.00	General Fund
Assorted	.223 Ammunition- Support Services	$137,000.00	General Fund

Complaints, Concerns, and Violations of Policy

In 2022, there were no complaints, concerns, or policy violation relating to the use of the equipment listed in this report.

Any member of the public can register a question or concern regarding military use equipment by contacting the El Dorado County Sheriff's Office at 530-621-5655. Inquiries will be routed to the Support Services Division. A response to the question or concern will be completed by the Office in a timely manner. Inquiries will be routed to the Support Services Division. A response to the question or concern will be completed by the Office in a timely manner. Any member of the public can submit a complaint to any member of the Sheriff's Office in any form i.e., in person, telephone, email, etc.

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Statutes and Legal Requirements.pdf

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Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Supplemental Hate Crime Report-Agency.pdf

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SUPPLEMENTAL HATE CRIME REPORT

☐ **Hate incident (No Crime Committed)** ☐ **Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)**

VICTIM

VICTIM TYPE

☐ **Individual**

Legal name (Last, First):

_____

Date of Birth	Age	Sex	Race

☐ **School, business or organization**

Name: _____

Type: _____

(e.g., non-profit, private, public school)

☐ **Faith-based organization**

Name: _____

Faith: _____

☐ **Other**

Name: _____

Type: _____

Address: _____

Date and time of incident:

_____

Location of incident:

_____

Date and time of report:

_____

Location of report:

_____

Agency Case #:

_____

NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
(e.g., 9/11, holy days)
☐ Association with a person or group with one or more of these characteristics (actual or perceived)
☐ Other:
_____

ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].
☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No

BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

SUPPLEMENTAL HATE CRIME REPORT

HISTORY

SUSPECT INFORMATION

Legal name (Last, First):

_____

Other Names used (AKA):

_____

Date of Birth	Age	Sex	Race

Relationship to Victim:

_____

RELATIONSHIP BETWEEN SUSPECT & VICTIM

Suspect known to victim: ☐ Yes ☐ No

Nature of relationship:

_____

Length of relationship: _____

☐ Prior reported incidents with suspect: *Total #* _____

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown

WEAPONS/FORCE

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____

Force used during incident? ☐ Yes ☐ No Type: _____

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known

RESOURCES

Resources offered at scene: ☐ Yes ☐ No

☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment
☐	☐	Injuries observed

Completed by	***Date***

Name/Title/ID number

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