SHERIFF'S PREFACE

As the Sheriff of Marin County, I expect each sworn officer of this department to adhere to the Law Enforcement Code of Ethics. I expect every Sheriff's Office employee and member to adhere to the Code of Conduct, Department Rules and Regulations, General Orders, and Divisional Policies and Special Orders.

The purpose of these Rules and Regulations are to assure the fair, equitable, and consistent treatment of all employees and members, to protect the well-being and rights of all employees and members, and to assure safe, efficient, and proper governmental operations and the duties of this agency in compliance with all laws.

The disciplinary procedures and rules provided herein cannot cover every possible specific act of misconduct in which an employee can become involved. Employees and members should be aware that while the rules and procedures provided herein are for the guidance of all employees and members, any violation of any rule, regulation, policy, order, or any conduct inconsistent with the goals and functioning of this agency may subject an employee to disciplinary action.

Employees and members should be aware that their off duty activities may also subject them to disciplinary action.

Jamie Scardina, Sheriff-Coroner

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENT

Mission:

As law enforcement leaders, working in partnership with our communities, the Marin County Sheriff's Office provides professional, innovative, and proactive public safety services to promote the highest quality of life in Marin.

Motto:

In Partnership with our Communities

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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 Marin County Sheriff's Office to perform their functions based on established legal authority.

100.1.1 PROCEDURES

There are no procedures associated with this policy.

100.2 POLICY

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

While this department 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 department does not tolerate the abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Sworn members of this department 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 MARIN COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the Marin 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 MARIN COUNTY SHERIFF'S OFFICE

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

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

100.3.3 DELIVERY TO NEAREST MAGISTRATE

When a deputy makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the deputy shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

100.3.4 TIME OF MISDEMEANOR ARRESTS

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

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

1. A misdemeanor committed in the presence of the deputy.
2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

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

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

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

100.4 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).

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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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Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 PROCEDURES

There are no procedures associated with this policy.

101.1.2 SHERIFF CANDIDATE REQUIREMENTS

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

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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 department members.

102.1.1 PROCEDURES

There are no procedures associated with this policy.

102.2 POLICY

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

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to 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 Marin County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

103.1.1 PROCEDURES

There are no procedures associated with this policy.

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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Area - A geographical area administratively designed for purposes of investigation, supervision or patrol.

Beat - A geographical area of variable size within an area to which one or more officers are specifically assigned for patrol purposes.

Bureau - The first subordinate organization unit within the Department.

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

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

Command Officer - Members of the Department holding the rank of lieutenant or higher.

Commanding Officer - Any command officer in charge of an organic unit.

County - The County of Marin.

Professional Staff - Employees and volunteers who are not sworn peace officers.

Department/MCSO - The Marin County Sheriff's Office.

Division - A unit with jurisdiction-wide coverage and immediately subordinate to a Bureau.

Division Manager - Professional staff person assigned as the manager in charge of a Division.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

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

May - Indicates a permissive, discretionary or conditional action.

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

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary deputies
- Professional Staff employees
- Volunteers.

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

Officer-in-Charge - Any employee or member below the rank of lieutenant in charge of an organic unit.

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

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

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

Precedence - For the purposes of seniority, the following is the precedence of ranks of members in descending order:

- Sheriff
- Undersheriff
- Captain
- Lieutenant
- Sergeant
- Deputy Sheriff

Privilege - Employment conditions that are not "right" but are granted at the convenience of the Department.

Professional Staff - Every person, other than members, appointed or assigned to the Sheriff's Office in any permanent or temporary Merit System Classification.

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

Right - In reference to conditions of employment, the term "right" shall designate those conditions specifically outlined by State or Federal law, County Ordinances or Merit System rules and items specifically spelled out in any contracts between the County of Marin and Sheriff's employee organizations (e.g., every member or employee has a "right" to a specified annual leave).

Section - A functional unit, which may be a sub-unit of a Bureau or Division or under the immediate direction of the Office of the Sheriff. It may be commanded by any rank, depending upon its size and the nature and importance of its function.

Seniority - Seniority in the Department is established first by rank and secondly by the aggregate time served in rank whether on a regular, assigned or temporary basis. Where conflict occurs because of identical service or dates of appointment, the member with the higher position of the Merit System eligibility list from which the appointments were made is deemed to be senior. In situations requiring decision or control where the officers are of equal rank, the senior will make the decision and exercise control unless otherwise directed by a higher ranking command or supervisory officer or the other is assigned as the officer-in-charge.

Shall or will - Indicates a mandatory action.

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

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

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

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

Unit - Any number of members and/or employees of the Department regularly grouped together under one head to accomplish a department objective.

USC - United States Code.

Volunteer - A person who is not an employee of the Department, but who has been authorized to perform specific tasks for the Department in a non-paid status.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Interim Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 CUSTODIAN OF RECORDS

The Professional Standards Lieutenant will act as the Custodian of Records. The Custodian of Records is responsible for ensuring that all orders meet format and indexing requirements. The Custodian of Records shall be the guardian of all department orders.

103.7 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.8 REVISIONS TO POLICIES

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

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

Each Bureau Commander will ensure that members under his/her command are aware of any Policy Manual revision.

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Policy Manual

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

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Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

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

104.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

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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 this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

200.1.1 PROCEDURES

There are no procedures associated with this policy.

200.2 POLICY

It shall be the policy of the Department to maintain and make available to its members an organizational chart which depicts in detail the various divisions and units of the Department, as well as the allotment and rank of personnel in those divisions and units.

200.3 BUREAUS

The Sheriff is responsible for administering and managing the Marin County Sheriff's Office. The Undersheriff is second-in-command and serves as the acting Sheriff during planned absences or when the Sheriff is otherwise unavailable.

There are three bureaus in the Department as follows:

- Administration and Support Services Bureau
- Field Services Bureau
- Detention Services Bureau

200.3.1 ADMINISTRATION AND SUPPORT SERVICES BUREAU

The Administration and Support Services Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Administration and Support Services Bureau. The Administration and Support Services Bureau Captain is responsible for the following units and divisions within the Department:

- Fiscal Services Division
- Documentary Services Division
- Coroners Division
- Communications Division
- Professional Standards Unit
- Technology Services Unit

200.3.2 FIELD SERVICES BUREAU

The Field Services Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Field Services Bureau. The Field Services Bureau Captain is responsible for the following units and divisions within the Department:

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- Patrol Division
- Investigations Division
- Office of Emergency Services

200.3.3 DETENTION SERVICES BUREAU
The Detention Services Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Detention Services Bureau. The Detention Services Bureau Captain is responsible for the following units and divisions within the Department:

- Jail Division
- Court Services Division

200.3.4 MARIN COUNTY MAJOR CRIMES TASK FORCE
The Marin County Major Crimes Task Force is an investigative unit created as a result of a Joint Powers Agreement between the County and various cities and towns in Marin County to conduct criminal investigations related to narcotics trafficking. The Undersheriff has the primary responsibility for the general management, direction, and control of the Marin County Major Crimes Task Force. The Marin County Major Crimes Task Force is overseen by a Sheriff's Lieutenant and supervised by a Sheriff's Sergeant.

200.4 COMMAND AND SUPERVISORY RESPONSIBILITIES AND AUTHORITY

200.4.1 BUREAU COMMANDERS
A Bureau Commander is appointed to the rank of Captain by the Sheriff to provide administrative and executive assistance to the latter. Subject to the authority of the Sheriff, a Bureau Commander shall issue such Interim Directives, General and/or Special Orders, and/or Policy and Procedures as may be necessary to promote the effective operations of all activities within the command.

Members appointed to the rank of Bureau Commander are ordinarily assigned to command a Bureau of the Department, but may be assigned additional duties by the Sheriff. A Bureau Commander, subject to direction by the Sheriff or Undersheriff, shall be responsible for planning, directing, controlling, and coordinating all activities within his/her command. A Bureau Commander will report to the Sheriff or Undersheriff as directed and will submit reports related to his/her command when required.

200.4.2 COMMANDING OFFICERS - AUTHORITY AND RESPONSIBILITIES
Subject to direction from higher command, a commanding officer has direct control over all members within his/her command. In addition to the general and individual responsibilities of all members, employees, and supervisory officers, a commanding officer is responsible for the following:

(a) Command - The direction and control of personnel under his/her command to assure the proper performance of duties and adherence to established rules, regulations,

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policies, and procedures. Providing for continuation of command and/or supervision in his/her absence.

(b) Loyalty and Esprit de Corps - The development and maintenance of esprit de corps and loyalty to the Department.

(c) Discipline and Morale - The maintenance of discipline and morale within the command and the investigation of personnel complaints assigned to him/her.

(d) Inter-Divisional Action - The promotion of harmony and cooperation with other units of the Department. Initiation of proper action in cases not regularly assigned to his/her command when a necessary delay to inform the proper unit might result in a failure to perform a law enforcement duty.

(e) Organization and Assignment - Proper organization and assignment of duties within his/her divisions and units to assure proper performance of Department functions and those of his/her command.

(f) Reports and Records - Preparation of required correspondence, reports, and maintenance of records relating to the activities of his/her command. Assure that information is communicated up and down the chain of command as required.

(g) Maintenance - Assurance that quarters, equipment, supplies, and material assigned to his/her command are correctly used and maintained.

200.4.3 WATCH COMMANDER - AUTHORITY AND RESPONSIBILITIES

The Watch Commander, during his/her tour of duty, exercises the same authority and has the same responsibilities as his/her commanding officer, subject to orders of the Division Commander or higher authority. In the absence of the Watch Commander, the Sergeant of the watch is in charge unless otherwise provided. In addition to the general and individual responsibilities of all members and employees, the Watch Commander is specifically responsible for the following:

(a) Good Order - The general good order of his/her command during his/her tour of duty to include proper discipline, conduct, welfare, field training, and efficiency.

(b) Roll Call - Conduct of prescribed roll calls, communication of all orders or other information at roll call, and inspection and correction of his/her command as necessary.

(c) Reporting - Reporting as required by the Division Commander. Maintenance of such records as specified by higher authority.

(d) Personnel Complaints - Inquiry into personnel complaints against members and employees under his/her command in accordance with the provisions of this manual.

In the absence of those members of the Department who regularly exercise such authority over the Department, the Patrol Division Watch Commander shall be designated as the ranking authority of the Department. This authority and responsibility is not limited or confined to the Watch Commander’s own division, but shall include supervision over and the responsibility for all on-duty personnel in the Department.

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200.4.4 SUPERVISORS

Supervisors are individuals assigned to positions requiring the supervision of other employees, either by virtue of the Merit Classification System or by specific designation from the Sheriff. In addition to the general and individual responsibilities of all members and professional staff, each supervisor is specifically responsible for the following:

(a) Supervision - A supervisor may be assigned to field or office duties. During his/her tour of duty he/she must closely supervise the activities of his/her subordinates, making corrections where necessary, and commending where appropriate.

(b) Leadership - Effective supervision demands leadership. Provisions of leadership shall include on-the-job training as needed for efficient operation and coordination of effort when more than one employee is involved.

(c) Direction - Supervisors must exercise direct command in a manner that assures the good order, conduct, discipline, and efficiency of subordinates. Exercise of command may extend to subordinates outside his/her usual sphere of supervision if the department objective or reputation of the Department so requires, or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor requires a subordinate other than his own to leave a regular assignment, the supervisor so directing will inform the subordinate's own supervisor as soon as possible.

(d) Enforcement of Rules, Etc. - Supervisors are responsible for inspection of activities, personnel, and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.

(e) Assisting Subordinates - A supervisory officer shall have a working knowledge of the duties and responsibilities of his/her subordinates. He/she shall observe contact made with the public by his/her subordinates and be available for assistance or instruction as may be required.

(f) Response to Calls - Field supervisors shall respond to calls that are serious in nature including, but not limited to, violent assaults, crimes involving weapons, or incidents that involve the coordination of numerous deputies or mutual aid resources. Field supervisors shall respond to these calls unless actively engaged in a Sheriff incident of equal or higher priority. He/she shall observe the conduct of the assigned personnel and take active charge when necessary.

200.4.5 GENERAL RESPONSIBILITIES OF EMPLOYEES

It shall be the duty and responsibility of each employee to fulfill to the greatest extent possible the functions of the Department and the bureau, division or unit to which one is assigned and to perform any duty assigned by a superior officer.

Additional responsibilities of members:

(a) The prevention of crime.

(b) The suppression of crime.

(c) The enforcement of laws.

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(d) The arrest of offenders, depending upon the nature of his/her specific assignment.

(e) Initiating proper department action when necessary.

Members are always subject to duty although periodically relieved of its routine performance. They shall, at all times, respond to the lawful orders of superior officers and other proper authorities as well as calls for assistance from citizens. Proper law enforcement action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Department does not relieve members of other units from the responsibility of taking prompt, effective action within the scope of those laws and ordinances when the occasion so requires. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

200.4.6 UNITY OF COMMAND

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

200.4.7 ORDERS

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

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Interim Directives

201.1 PURPOSE AND SCOPE

Interim Directives establish an interdepartmental communication that may be used by the Sheriff to make immediate changes to policy and procedure consistent with the current Collective Bargaining Agreement (i.e. Marin County DSA and County of Marin) and as permitted by Government Code § 3500 et seq. Interim Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 INTERIM DIRECTIVE PROTOCOL

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

All existing Interim Directives have now been incorporated in the updated Policy Manual as of the publication of this manual.

201.1.2 PROCEDURES

There are no procedures associated with this policy.

201.2 RESPONSIBILITIES

201.2.1 SHERIFF

The Sheriff or the authorized designee shall issue all Interim Directives.

201.3 ACCEPTANCE OF INTERIM DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Interim Directives.

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Emergency Management Plan

202.1 PURPOSE AND SCOPE

The County has prepared an Emergency Management Plan titled Marin Operational Area 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 in the event that the plan is activated (Government Code § 8610).

202.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: Marin Operational Area Emergency Operations Plan.pdf

202.2 ACTIVATING THE EMERGENCY PLAN

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

202.2.1 RECALL OF PERSONNEL

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

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

202.3 LOCATION OF THE PLAN

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

202.4 UPDATING OF MANUALS

The Sheriff or the authorized designee shall review the Emergency Management Plan at least once every two years to ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and shall revise the document if needed for compliance.

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Training

203.1 PURPOSE AND SCOPE

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

203.1.1 DEFINITIONS

Professional Training - Training for all professional staff.

Advanced Officer Training - Training designed to provide education for members to develop skills in a specific discipline, other than In-Service Training.

In-Service Training - Bi-monthly training provided to members by the Department in conformance with training and scheduling mandates.

Daily Training Bulletins - Web-accessed trainings on department policy and other topics produced by Lexipol.

Training Manager - The Training Manager will be a sergeant assigned to the Professional Standards Unit who is in charge of department training.

203.1.2 PROCEDURE

Procedures Manual: 203.1 TRAINING PROCEDURES - Click to view procedures

203.2 PHILOSOPHY

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

203.3 POLICY

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

203.4 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 department personnel.

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

203.5 TRAINING PLAN

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

203.6 TRAINING NEEDS ASSESSMENT

The Training Manager will conduct an annual training-needs assessment of the Department. The needs assessment will be approved by the Sheriff or the authorized designee. Upon approval, the needs assessment will form the basis for the training plan for the year.

203.7 TRAINING MANAGER

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

203.7.1 TRAINING RESTRICTION

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

203.8 TRAINING WORK GROUPS

The Training Manager may designate work groups that have expertise in specific areas to be involved in conducting trainings. The Training Manager shall assign a coordinator for any work group that he/she designates. The coordinator of any work group designated by the Training Manager is responsible for accomplishing the tasks set out by the Training Manager specific to that work group.

The Training Manager may coordinate scheduling or topics for those work groups including but not limited to POST compliance, STC compliance, or the needs of the Department. The work group coordinator will be responsible for meeting, planning, and presenting the training for which they have expertise. The work group coordinator may also be responsible for conducting remedial training for an employee if deemed appropriate by a supervisor or work group member. The work group coordinator will determine their own staffing needs and will be responsible for conducting their own recruitment, testing, and selection for their members. The work group coordinator may then determine training requirements for individuals in the group and schedule trainings as appropriate.

203.9 DAILY TRAINING BULLETINS

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

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

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

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with the DTB due dates.

It is each employee's responsibility to complete DTBs as directed by their supervisor. Employees who fail to complete DTBs as directed may be subject to discipline.

The Training Manager shall be responsible for completing periodic audits to ensure that all employees are completing DTBs as directed. After such an audit, the Training Manager will forward the names of employees who have not completed their DTBs to those employees' respective supervisors for corrective action.

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Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department. The exception would be short and infrequent messages to arrange or confirm appointments, or inform family of overtime work, etc.

204.1.1 DEFINITIONS

Computer/Computer System – Any electronic device, either connected to a network or standalone that uses a micro processor and is capable of receiving input, storing, and outputting any type of digital data including photographs, text, video, and audio. A computer or computer system includes, but is not limited to, any network or standalone workstation, dumb terminal, laptop or portable computer, mobile data computer (MDC), personal digital assistant (PDA), tablet, smart phone or mobile telephone.

Email – Email is a message of any kind that is capable of being digitally received or transmitted by a computer or computer system using a connection to another computer or computer system. This connection can be wired or wireless using a computer network infrastructure. Email may have digital files such as photographs and audio or video files attached to them. The Department typically uses Microsoft Outlook to send and receive email. Email includes car-to-car and dispatch-to-car messaging using an MDC.

Internet – The Internet is the network mechanism used to access the World Wide Web (WWW). The World Wide Web is defined as any digital information source accessed via modem, network (wired or wireless), or other means, from a source external to or apart from the computer or computer network through which the information is sought.

Remote Email – Remote email is a Department email account that can be accessed from a computer or other device outside of the Department's secure network. Typically, remote email is accessed using Outlook Web Access from any Internet connected computer.

204.1.2 PROCEDURE

There are no procedures associated with this policy.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves

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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 department system.

The email system is not confidential since all communications transmitted on, to, or from the system are the property of the Department. 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 Department's email system shall have no expectation of privacy concerning communications utilizing the system.

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

There shall be no expectation of privacy in either type of email message, either sent or received, all of which are subject to periodic and unannounced audits to ensure compliance with this order.

204.3 PROHIBITED USE OF EMAIL

Sending, intentional retrieval, or storage of derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited unless specifically related to the employee's immediate law enforcement task and only with the express written permission of the employee’s Division Commander and may result in discipline. Any employee who receives any information of this nature must immediately notify his/her supervisor in writing. Failure to do so will result in a presumption that the employee intentionally downloaded and/or retained the material in question.

Email messages addressed to the entire department or group mailing lists are only to be used for official business related items that are of particular interest to all users. 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.

204.4 REMOTE EMAIL ACCESS

All employees have remote access to their email accounts from computers or other devices outside of the Sheriff’s Office network using Outlook Web Access. This is typically used by employees to access email, calendar, and contacts from their personal computers or other devices. This remote email service is provided to employees as a convenience, and there is no expectation that employees will monitor their email accounts while off-duty. Work performed remotely during off-duty hours is not authorized unless performing that work has been previously approved by the employee’s supervisor, consistent with all other applicable rules, regulations, and general orders.

While the mechanism to access email accounts remotely is secure, caution must still be taken when accessing email from computers or other devices outside the Sheriff’s Office network. Employees shall only access their email accounts from trusted computers, such as their personal computer. Due to the ease with which user names and passwords can be captured without an

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employee being aware, email shall not be accessed from un-trusted computers or other devices, such as public use computers, Internet cafés, or Internet kiosks in public areas. Care should also be taken when viewing content of a sensitive nature that could potentially be viewed by others. Any personally owned computer or computer system that has been set up to automatically receive Sheriff's Office email (e.g., cellular phones, tablets), that is lost or stolen, must be reported to the Technology Services Unit (TSU) immediately. TSU will then attempt to take measures to ensure proper security is maintained.

204.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

204.6 EMAIL SECURITY

Employees must be aware that email attachments can contain computer viruses. Employees must take appropriate precautions when downloading or opening email attachments. Oftentimes, the best course of action is to delete the suspect email or attachment without opening it. Employees shall immediately report, in writing, all incidents of suspected computer viruses to TSU.

204.7 EXPECTATION OF USE

Employees shall check their department email account at least once per shift.

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Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.1.1 PROCEDURES

There are no procedures associated with this policy

205.2 DEPARTMENT EMAIL

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

205.3 CORRESPONDENCE

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

205.4 SURVEYS

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

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Supervisor Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that adequate supervision is available for all shifts.

206.1.1 PROCEDURES

There are no procedures associated with this policy.

206.2 MINIMUM SUPERVISOR STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least two regular supervisors on duty whenever possible. Regular supervisors include sergeants and Watch Commanders. Watch Commanders will ensure that at least one sergeant is deployed during each shift, in addition to the Watch Commander, who may be on call.

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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

The Marin County Sheriff has agreements with the Chiefs of all municipal police departments within the County of Marin to issue CCW licenses to residents and business owners whose address is in the unincorporated jurisdiction of the County of Marin. All applicants residing or doing business within the incorporated limits of a city shall apply to the Chief of Police for that city (Penal Code § 26150; Penal Code § 26155).

207.1.2 PROCEDURES

There are no procedures associated with this policy.

207.2 POLICY

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

207.3 QUALIFIED APPLICANTS

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

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

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

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

1. Non-resident applicants may be eligible for a license if they are members of the California Rifle & Pistol Association, Inc., Gun Owners of America, Inc., Gun Owners of California, Inc., the Second Amendment Foundation, or the Firearms Policy Coalition, and are not otherwise prohibited from possessing firearms under federal or California law. Proof of membership is required.

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

(e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175) through the Marin County Sheriff's Office Permitium web app at: https://marinca.permitium.com/ccw/start.

(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 Marin County Sheriff's Office (Penal Code § 26162).

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(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 with a Marin County Sheriff's Office approved trainer.

207.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

207.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

(a) Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application through the Marin County Sheriff's Office Permitium web app at: https://marinca.permitium.com/ccw/start (Penal Code § 26180).

(b) Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.

(c) Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.

1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
2. Full payment of the remainder of the application fee will be required upon issuance of a license.
3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).

(d) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph, proof of residency).

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

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

207.4.2 PHASE TWO

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

(a) The applicant will be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing shall be paid by the applicant but shall not exceed the reasonable costs to the Department (Penal Code § 26190).

(b) The applicant shall complete a course of training approved by the Department, with an approved trainer, which complies with Penal Code § 26165.

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(c) The applicant shall submit any firearm to be considered for a license to their chosen approved CCW trainer for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(d) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by their chosen approved trainer. That trainer will certify the applicant has qualified with all firearms to be listed on their license according to the CCW course of Fire approved by the Marin County Sheriff's Office(attached).

Once the Sheriff or authorized designee has verified the successful completion of phase two, and the applicant has paid all the required fees, the license to carry a firearm will be granted (Penal Code § 26170).

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) Firearms shall have no alterations from the manufacturer's specifications.

1. The alteration of any previously approved firearm shall void any license and serve as grounds for revocation.
2. Red dot or holographic sights are permissible if inspected by the training vendor and used in qualifying on the approved qualification course.

(c) 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.

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

1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

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(e) 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).

(f) The licensee shall notify this department in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Department 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 through the Marin County Sheriff's Office web app at: https://marinca.permitium.com/ccw/start (Penal Code § 26215). The following amendments can be made:

(a) Add or delete authority to carry a firearm listed on the license. The licensee must be the recorded owner according to the DOJ of any firearm to be added. The licensee must qualify with an approved trainer with any firearm to be added.

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

(c) Change the address or other personal information of the licensee (Penal Code § 26210).

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

207.5.2 REVOCATION OF LICENSES

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

(a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.

(b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.

(c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.

(d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.

(e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

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

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

207.5.3 LICENSE RENEWAL

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

(a) Submitting a renewal application through Permitium.

(b) Completing a training course through a department approved trainer pursuant to Penal Code § 26165.

(c) Paying the applicable renewal application fee.

Within 90 days of receiving the completed application for a renewal license, the Department shall give written notice to the applicant of the department's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

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

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

207.6 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).

207.6.1 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 Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

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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).

207.7 DEPARTMENT REPORTING AND RECORDS

The Department 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 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered a public record (Government Code § 7923.805).

207.9 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a 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 phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

(a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of Marin (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).

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207.10 POLICY AVAILABILITY

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

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Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

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

208.1.1 PROCEDURES

There are no procedures associated with this policy.

208.2 POLICY

It is the policy of the Marin 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 department who (18 USC § 926C(c)):

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

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

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

(d) Has not entered into an agreement with this department where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

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

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

If the Marin 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 Department 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 department, may carry a concealed firearm under 18 USC § 926C when he/she is:

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

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1. An indication from the person’s former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

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

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

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

208.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

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

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

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 department.

(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.”

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

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

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

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

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

208.5 FORMER DEPUTY RESPONSIBILITIES

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

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 Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

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

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

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

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 department at the retired deputy's expense.

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

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

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(d) Only be authorized to carry a concealed firearm inspected and approved by the Department.

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 Department. 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.

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

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

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

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

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
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 Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and,

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if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.
3. The personal and written notification should be as follows:
    (a) The retiree's CCW endorsement is immediately and temporarily suspended.
    (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
    (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

208.8 FIREARM QUALIFICATIONS

The Range Master may provide former deputies from this department 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 Range Master will maintain a record of the qualifications and weapons used.

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Seniority Shift Assignments

209.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system for personnel to select their shift and days off based on their seniority

Pursuant to a meeting held between the Sheriff and the Marin County Deputy Sheriff's Association, a memorandum of understanding (MOU) was established regarding the scheduling of personnel based on the seniority of rank. Seniority of rank shall be determined by the effective date of a member’s current rank in the Department. Employee shift signups shall be done in accordance with the MOU.

209.1.1 PROCEDURES

There are no procedures associated with this policy.

209.2 DETERMINATION OF SENIORITY SIGNUP LIST

A Division Commander of each division shall be assigned to complete their Division's shift schedule and will be responsible for maintaining a current list of personnel by seniority of rank. In forming a seniority list, the effective date of promotion of each member will be utilized to determine their ranking on the list. When members have the same date of promotion, seniority will be determined by the Sheriff.

209.3 SHIFT SIGNUP

Each deputy and sergeant assigned to a division will be given an opportunity to sign up for any available shift and days off according to seniority and staffing requirements. Exempted will be those shifts designated as specialty or training assignments. The specialty assignments are pre-designated. The training assignments will be available to those personnel assigned to the Patrol Division Field Training Program or the Custody Division Training Program.

After each deputy and sergeant assigned to the division has been given an opportunity to select a shift and days off, the shift bid list will be returned to the Division Commander responsible for completing the schedule. The Division Commander will be responsible for scheduling the personnel to specific assignments based on the completed shift bid list. The completed schedule will be disseminated to the Division per the Deputy Sheriffs’ Association’s MOU.

Once a deputy and sergeant selects a shift and days off, they shall work that shift for the entire rotation period of six months. During this period, deputies and sergeants will not be allowed to change their shift or days off without the permission of the Sheriff or the authorized designee. Personnel may be assigned to a shift or days off other than their preference if the Sheriff or the authorized designee believes it would be in the best interest of the Division and/or Department.

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209.3.1 RELIEF SHIFT

Deputies and sergeants selecting or assigned to a relief shift will be assigned to cover absences due to long term illness or injury, vacations, and/or department training. These shifts and days off may vary due to staffing requirements.

209.3.2 TRANSFERS

Personnel transferring to a division in the middle of a six month rotation period will be assigned to an available shift and days off regardless of their seniority. For the next scheduled rotation, those personnel will be placed on the seniority list and will be eligible to select their shift and days off by seniority.

209.3.3 MINIMUM SHIFT COVERAGE

Personnel may be assigned to specific shifts for training or other needs as required. Due to staffing requirements, personnel may be reassigned to another shift due to injury or illness per the MOU. This may also occur due to temporary personnel shortages. Any change due to these reasons will be temporary and will be completed by seniority, with the lowest seniority personnel being assigned first.

209.3.4 ABSENCE DUE TO ILLNESS OR INJURY

Those personnel who are on a long term absence due to illness or injury will be kept on their chosen shift and regular day off (RDO) selection for the remainder of the current six month rotation period. Personnel returning from a long term absence due to illness or injury before the end of the current six month rotation period will assume their selected shift and RDO.

At the time of a schedule sign-up (shift bid), deputies and sergeants who have not returned to full duty or do not have a medical clearance to return to full duty within the first 30 days of the next schedule, will be placed on the medical inactive list. Personnel on the medical inactive list at the time of schedule sign-ups (shift bid) will be ineligible to select a shift and RDO. Personnel who are working a modified duty assignment at time of schedule sign-ups will be allowed to sign up for a shift.

Those members returning to active duty after missing a schedule sign-up (shift bid) will be assigned an available shift and RDO. At the time of the next six month rotation period schedule sign-up (shift bid), these personnel will select a shift and RDO based on their current seniority status.

Members in a training program at the time of a schedule sign up (shift bid) will not be allowed to select a shift or days off. Upon graduation from their training program, they will be assigned to the relief team.

Schedule sign-ups will begin 45 days before first day of the next schedule rotation.

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Chapter 3 - General Operations

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Use of Force

300.1 PREAMBLE

The Marin County Sheriff’s Office is dedicated to upholding the Constitution and enforcing State and local laws in a fair, impartial, and ethical manner. The Sheriff’s Office recognizes that the authority to use physical force is a serious responsibility that shall be exercised judiciously and with respect for all human rights and for the sanctity of human life. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. The use of force by peace officers is of important concern to the community. Recognizing this, the Marin County Sheriff’s Office shall evaluate the use of force by its deputies to ensure that the use of such force is lawful and consistent with this policy. In keeping with the public trust placed upon the members of the Sheriff’s Office, every deputy shall treat individuals who they have sworn to protect and serve with professionalism as they meet the objectives of providing public safety to the citizens of Marin County.

300.1.1 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 the Sheriff’s 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.

300.1.2 DEFINITIONS

Definitions related to this policy include:

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

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

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

Law enforcement agency - Any police department, sheriff’s department, district attorney, county probation department, transit agency police department, school district police department, the police department of any campus of the University of California, the California State University, or community college, the Department of the California Highway Patrol, the Department of Fish and Wildlife, and the Department of Justice (Government Code § 7286(a)).

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

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

300.1.3 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERVENE AND REPORT

Any deputy present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable deputy under the circumstances, shall, when feasible, intervene to prevent the use of unreasonable force. Any deputy who observes a law enforcement officer or an employee use force that potentially exceeds what the deputy reasonably believes to be necessary shall promptly report these observations to a supervisor when present or as soon as feasible (Government Code § 7286(b)).

300.2.2 FAIR AND UNBIASED USE OF FORCE

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

300.2.3 PERSPECTIVE

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

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300.3 USE OF FORCE

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

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident, rather than with the benefit of hindsight, and without regard to the deputy's underlying intent or motivation. The calculus of reasonableness must embody allowance for the fact that deputies are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 ALTERNATIVE TACTICS - DE-ESCALATION

De-escalation is a fundamental principle of how the Sheriff's Office conducts its police work. Taking no action, passively monitoring a situation, or bringing in partners such as a mobile crisis unit may be the most reasonable response to a situation, particularly those involving mental health crises. As time and circumstances reasonably permit, and when community and deputy safety would

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not be compromised, deputies should consider actions that may increase deputy safety and may decrease the need for using force:

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

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

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

In addition, when feasible, deputies should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)(1)). 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.

Where feasible, deputies should determine whether an individual's failure to comply with an order is the result of one of the following factors:

(a) Medical conditions

(b) Mental impairment

(c) Developmental disability

(d) Physical limitation

(e) Language barrier

(f) Drug interaction

(g) Behavioral crisis

After evaluating whether the individual's failure to comply with an order is based on one of the factors listed above, the deputy must then determine whether physical force and what level of physical force, is necessary and appropriate to resolve the situation in a safe manner.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

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

(e) The effects of suspected drugs or alcohol.

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

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

(h) Proximity of weapons or dangerous improvised devices.

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

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

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

(l) Training and experience of the deputy.

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

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

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

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

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

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

(s) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

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300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

Deputies are banned from using any technique, including the Carotid Control Hold and Choke Hold, that restricts the air and blood flow by restricting the neck or throat of a person.

Deputies may use these techniques only if an individual is presently violent to the point where the deputy reasonably believes that the individual will cause serious bodily injury or death to deputies or others.

300.3.6 AUTHORIZED FORCE OPTIONS

To further the aim of minimal reliance on force, all uniformed deputies must carry on their person at all times at least one less lethal weapon. Listed below are force options authorized for use by the Sheriff:

(a) Physical control holds which include joint manipulations, pressure point application, and take down techniques.

(b) Oleoresin Capsicum Agent (OC) and/or Mace (CN) (See the Control Devices and Techniques policy)

(c) Conducted Energy Weapon (TASER X-26, TASER X-26P, or TASER 7) (See the Conducted Energy Weapon policy)

(d) Personal Body Weapons

(e) Less Lethal Launcher (See the Control Devices and Techniques policy)

(f) Use of Canine (See the Canines policy)

(g) Impact Weapons (See the Control Devices and Techniques policy)

(h) Firearms (See the Firearms policy)

300.3.7 USE OF FORCE DURING HIGH-RISK VEHICLE STOPS

Deputies shall not conduct high-risk vehicle stops based solely on a suspicion that a vehicle is stolen or cold-plated. High-risk stops shall not routinely be used for every stop of a suspected stolen or cold-plated vehicle. Instead, deputies need specific articulation of the occupants posing an immediate threat or risk to deputy safety to justify the need for high-risk tactics. Such articulation may include yelling threats of violence, the stop is conducted after a vehicle pursuit, visible weapons, refusing to follow commands, etc. The generic dangers posed by stopping a suspected stolen or cold-plated vehicle are insufficient to justify the use of a high-risk vehicle stop.

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Important Note: A vehicle returning as stolen in the Stolen Vehicle System is only reasonable suspicion and not, in and of itself, probable cause to arrest. The investigation after the stop often leads to probable cause to arrest but should not be confused with the initial reasonable suspicion for the stop.

If deputies have no specific justification for a high-risk stop, such as those described above, and decide to pull over a suspected stolen vehicle, then they can conduct an investigative stop and direct the occupants out of the vehicle without using high-risk tactics.

Investigative vehicle stops are typically conducted when a deputy has reasonable suspicion that one or more occupants of the vehicle are involved in criminal activity. During such stops, vehicle positioning is similar to that of a high-risk stop and deputies must adhere to the Department's policy on drawing and exhibiting firearms. If firearms are drawn, they shall be held in the low ready position. Deputies are to be reminded that in the low ready position the muzzle is maintained in a manner that does not physically cover the occupants, unless doing so can be justified in accordance with the Display of Firearms section of this policy.

Thereafter, deputies will take a position of cover, such as at the back of the patrol vehicle. Deputies will instruct the occupants of the vehicle to exit the vehicle and instruct them to lift up their clothing and turn around to reveal any weapons in their waistband. Deputies may keep their firearms at the low ready, but not pointed at any occupants. Deputies will direct occupants to move to a safe location where the deputies have a tactical advantage over the occupants. The occupants should not be ordered to lay face down on the ground or to a kneeling position during these types of stops unless the circumstances change and there are articulable reasons justifying this tactic.

Once all occupants are outside the vehicle and safely detained, deputies should conduct a visual search of the interior of the vehicle for any other occupants that may be hiding, before engaging with the occupants and continuing their investigation. The level of restraint during the detention (i.e., seated and unhandcuffed, placed in the back of a patrol car, handcuffed, etc.) must be necessary based on the specific circumstances of the stop and must be articulated in the incident report.

The use of these tactics is fluid, and deputies need to be prepared to transition to a high-risk stop if the circumstances change.

Nothing in this protocol is intended to limit a deputy's ability to take immediate action to protect their life or the life of another person.

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the deputy shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a(5)(c)(1)(B)).

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

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

(a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the deputy or another person.

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

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

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

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the deputy or another person. A deputy's subjective fear of future harm alone is insufficient as an imminent threat. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. Deputies shall not discharge a firearm at or from a moving vehicle unless one of the following circumstances exists:

(a) Deadly force, or the imminent threat of deadly force, is being used against a deputy or another person by means other than the moving vehicle.

(b) The driver is using or is attempting to use the vehicle as a means to cause injury or death to the deputy or another person.

(c) When the driver of a vehicle continues to present an ongoing imminent threat of death or serious bodily injury to deputies or another person and deadly force is feasible to preserve the lives of the deputy or another person.

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

300.4.2 DISPLAYING OF FIREARMS

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

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

(b) If the deputy reasonably believes that an imminent 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 imminent threat until the deputy no longer perceives such threat.

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

(e) Any application of a CEW 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.

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

300.6 MEDICAL CONSIDERATION
Once it is reasonable and safe to do so, properly trained deputies should promptly provide, if trained to do so, or promptly 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 he/she can be medically assessed.

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

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

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

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

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

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

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(c) 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.

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

(e) Review and approve all related reports.

(f) 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.

(g) Complete Use of Force Document if appropriate in accordance with the Use of Force Document section of this policy.

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

300.7.1 USE OF FORCE SUPERVISOR REPORTING

Sergeants, or the appropriate supervisor, shall complete a Use of Force submission via the Axon Standards portal in Evidence.com for any use of force options outlined below:

- Physical restraint on actively resisting subject
- Baton/ASP
- CEW/Display
- WRAP
- Less Lethal Launcher
- Display of Firearm
- OC
- Discharge of Firearm
- Personal Body Weapons
- Death

A review of the incident will be conducted upon receipt of the Use of Force submission by the Defensive Tactics Coordinator or by the authorized designee at the rank of sergeant or above. The review will include, but is not limited to any and all associated reports, photographs, and video images captured by the body worn camera or any other department owned video recording devices.

Compliant arrest techniques do not require a use of force submission as outlined in this section.

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

300.8 TRAINING
Deputies, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Training Manager should ensure that deputies receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.

(b) Training courses required by and consistent with POST (Commission on Peace Officer Standards and Training) guidelines set forth in Penal Code § 13519.10.

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 USE OF FORCE ANALYSIS
At least annually, the Field Services Bureau Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

300.11 DUTY TO PREVENT THROUGH EARLY INTERVENTION
The Marin County Sheriff's Office recognizes that through early intervention it may be possible to avoid the use of excessive force and prevent harm to the community. In this effort, the Sheriff's Office will implement early intervention systems to identity deputies who are at risk for engaging in the use of excessive force and to provide those deputies with re-training and appropriate behavioral interventions, re-assignments or other appropriate consequences to eliminate that risk.

300.12 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 Documentary Services Division Policy.

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300.13 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)).

300.14 POLICY AVAILABILITY

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

300.15 PUBLIC RECORDS REQUESTS

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

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Marin 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.

301.1.1 PROCEDURES

There are no procedures associated with this policy.

301.2 POLICY

The Marin 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.

301.3 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.

301.4 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 or the authorized designee may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

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

301.4.1 COMPOSITION OF THE BOARD

The Sheriff's Office Defensive Tactics Coordinator will be tasked with the initial review of any use of force incident. Depending on the circumstances surrounding the use of force, the Administration

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Bureau Commander may select additional subject matter experts to assist in reviewing a use of force incident. Additional personnel may consist of at least one of the following:

- Defensive Tactics Team member
- Department Range Master
- Commanding officer in the involved member's chain of command

301.4.2 RESPONSIBILITIES OF THE BOARD

When the Sheriff or the authorized designee requests a review of a use of force incident, the Defensive Tactics Coordinator shall be contacted in writing via department memorandum or email. The request should briefly explain the concern of the incident and provide relevant information such as the case number and any other known facts regarding the incident.

The Defensive Tactics Coordinator shall then research the incident by reviewing the written report and any applicable body worn camera video. 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 a deputy’s decision regarding the use of force.

The Defensive Tactics Coordinator 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.

The recommended findings made by the Defensive Tactics Coordinator may include suggestions for 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 Defensive Tactics Coordinator will send their recommended findings back to the original requestor and their supervisor.

The Sheriff or the authorized designee 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 findings, or that of the authorized designee, will be forwarded to the involved employee’s Bureau Commander for review and appropriate action. If the Sheriff or the authorized designee concludes that discipline should be considered, a disciplinary process will be initiated.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.1.1 DEFINITIONS

WRAP - The WRAP, manufactured by Safe Restraints, Inc., was designed as a temporary restraining device. The WRAP immobilizes the body and restricts a subject's ability to kick or do harm to oneself and others. The Marin County Sheriff's Office has approved the use of the WRAP within the guidelines provided.

302.1.2 PROCEDURES AND ATTACHMENTS

Procedures Manual: 302.1 WRAP - CARE, MAINTENANCE AND STORAGE - Click to view procedures

Click the following link for: WRAP Application Steps.pdf

302.2 POLICY

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

302.3 USE OF RESTRAINTS

Only members who have successfully completed Marin 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.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others.

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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.

302.3.2 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 restraints, 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 themself or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the detainee, deputies, or others (Penal Code § 3407; Penal Code § 6030). See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

302.3.3 RESTRAINT OF JUVENILES

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

302.5 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.

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

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and 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 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.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

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

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their 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 their 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.

302.8 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.

302.9 APPLICATION OF THE WRAP RESTRAINT DEVICE

The WRAP is designed to prevent injury to the subject in custody or another person, or to prevent property damage caused by the suspect using their legs in a manner likely to result in injury or damage. It is recommended that three or more deputies should be used to apply the WRAP to a violent or combative subject but a minimum of two can safely and securely apply the WRAP. Only qualified personnel who have received training in the use of the WRAP should use this restraining device.

The WRAP can be used prior to or after a violent or potentially violent/combative subject is controlled using approved department methods. Once applied, the subject shall not be left

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unattended. Once the subject is properly restrained in the WRAP, he/she can be placed on his/her side or in a sitting position.

When the WRAP is applied in a custodial setting, all Custody Division policies pertaining to Use of Restraints will be in effect.

The following guidelines shall be used when applying the WRAP restraint:

(a) When practical, deputies should notify the Communications Center of the intent to apply the WRAP restraint.

(b) A supervisor shall be notified as soon as practical after the application of the WRAP restraint.

(c) Absent a medical emergency, the subject being restrained shall remain restrained until arrival at the jail, or other facility or the subject no longer poses a threat.

(d) A deputy shall monitor the restrained suspect.

(e) The deputy shall watch for signs of labored breathing and seek medical attention when needed

Refer to the Procedures and Attachments section of this policy for a detailed guide on how to apply the WRAP.

302.9.1 TRANSPORTATION

When transporting a suspect who has been restrained, deputies shall observe the following procedures:

(a) Prior to vehicle transportation, re-check all belts to ensure that they are securely fastened.

(b) Suspects shall be seated in an upright position and should be secured by a seatbelt when doing so would not compromise officer safety. When the suspect cannot be transported in a seated position he/she shall be taken by ambulance/paramedic unit.

(c) When taken by ambulance/paramedic unit, a deputy shall accompany or follow the suspect.

(d) In all cases of suspected Excited Delirium, subjects shall be transported by ambulance to the hospital and a deputy shall accompany the suspect.

302.9.2 PRECAUTIONS

The following precautions should be taken whenever any person has been placed into the WRAP:

(a) The shoulder harness should never be tightened to the point that it interferes with the subject’s ability to breathe.

(b) If the restrained subject complains of or show signs of breathing distress (shortness of breath, sudden calmness, a change in facial color, etc.), medical attention should be provided immediately.

(c) The subject shall never be left unattended.

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(d) Subjects should be placed in an upright sitting position or on their side as soon as possible to allow for respiratory recovery.

(e) The WRAP is to be used only by personnel trained by the Department in its use.

302.9.3 REPORTING REQUIREMENTS

Anytime the WRAP is used, the circumstances requiring the use shall be documented in the deputy's report. The deputy should include the following in the report:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect’s physical actions and any other reasons justifying use of the WRAP.

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

302.10 TRAINING

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

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

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

(c) Options for restraining those who may be pregnant without the use of leg restraints, 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.

(e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

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Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

See attachment: MCSO Use of Force Report 2020.pdf

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

303.4 RESPONSIBILITIES

303.4.1 WATCH COMMANDER RESPONSIBILITIES

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

303.4.2 RANGE MASTER RESPONSIBILITIES

The Range Master shall control the inventory and issuance of all less lethal extended range impact munitions and shall ensure that all damaged, inoperative, outdated or expended munitions are properly disposed of, repaired or replaced. All less lethal extended range impact munitions will be periodically inspected by the Ranger Master or or his/her designee. The inspection shall be documented.

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

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices. The maintenance and cleaning of any less lethal extended range impact munitions shall be the responsibility of the Range Master or his/her designee.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Range Master or Training Manager 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.

303.5 IMPACT WEAPON GUIDELINES

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

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

Impact weapons authorized for use by the Marin County Sheriff's Office include the collapsible baton, riot baton, straight baton, compact and duty flashlight, personal body weapons, less lethal extend range impact weapon and/or any other improvised device or item that might be used to prevent a deputy from being physically injured.

When impact weapons are used in the field, deputies shall transport or arrange transportation of the subject to the nearest hospital for medical clearance prior to booking. When impact weapons are used in the jail, subjects may be cleared by jail medical staff unless directed to be transported to the hospital for medical clearance. The provisions of this order pertaining to the use of impact weapons apply whenever a deputy uses any other improvised device or non-conventional impact weapon to strike a person.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Special Response Team 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.

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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.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray 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. 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.

OC shall not be used in a custody environment without a supervisor's authorization, unless immediate action must be taken to prevent imminent injury to any person.

303.7.1 OC SPRAY

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

303.7.2 TREATMENT FOR OC SPRAY EXPOSURE

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

303.7.3 OLEORESIN CAPSICUM (OC) REPORTING

Whenever OC is used, a detailed description of the circumstances surrounding its use must be included in the incident report. The required description shall be full and complete, not merely a statement that OC was used. If a person upon whom OC was used escapes and is not taken into custody or is otherwise unidentified, the use of OC shall still be thoroughly described in the incident report.

Arresting officers shall note the time of the use of OC in a prominent place on the offense report.

When deputies are treated for exposure to OC, they are responsible for having this fact noted in writing, and a copy placed in their personnel file for future review. The notation shall include the date and time of exposure, date and time of treatment, case number of incident and name of supervisor.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner’s expense. Information regarding the method of notice and the individuals notified should be included in related reports.

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303.9 LESS LETHAL EXTENDED RANGE IMPACT MUNITIONS

This department is committed to reducing the potential for violent confrontations. Less lethal extended range impact munitions, 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.

303.9.1 APPROVED LESS LETHAL EXTENDED RANGE IMPACT MUNITIONS

The following items are classified as less lethal extended range impact munitions and are approved for the use by the Sheriff:

(a) Remington Model 870 12 gauge shotgun equipped with a green stock and green fore stock and labeled “Less Lethal”.

(b) Penn Arms L6-37 millimeter Launcher and its munitions.

(c) Def Tech 1315, 37 millimeter, Gas Gun and its munitions.

(d) Def Tech #15 Stinger Grenades.

Less lethal extended range impact munitions include, but are not limited to:

(a) 12 gauge less lethal “sock” rounds

(b) 37 millimeter less lethal rounds and Stinger Grenades.

37 millimeter “non-flexible” extended range impact munitions and 37 millimeter “sting ball” munitions should only be “skip fired” at a target(s).

303.9.2 DEPLOYMENT AND USE

Only personnel who have successfully completed a department approved training course in the proper use and deployment of less lethal extended range impact munitions shall be authorized to deploy them during actual operations. However, any deputy may make a request for the deployment of such munitions.

Deploying against specific body areas will be based on the capabilities of the less lethal extended range impact munitions being used as well as the need to gain compliance from the subject as dictated by his or her behavior. A stationary target is preferable. Deputies should keep in mind that a moving subject is a more difficult target to accurately hit. Less lethal extended range impact munitions should not be deployed at the head, neck, and throat, unless against a potentially lethal threat.

Depending upon the less lethal extended range impact munitions being used, deputies are cautioned to avoid firing multiple rounds at the same target area. Shifting the point of aim from one area to another should be considered when multiple rounds appear necessary to resolve the situation. In addition, personnel deploying less lethal extended range impact munitions must be alert to the potential that they may not always generate compliance. In such cases, alternate use of force options should be considered as appropriate.

When a less lethal extended range impact weapon is requested or deployed, a Sergeant or Watch Commander shall be immediately notified. Approval from the Sergeant or Watch Commander is not necessary to deploy or fire less lethal extended range impact munitions. The Sergeant or

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Watch Commander shall respond to the incident as soon as practical. It is not necessary for the Sergeant or Watch Commander to arrive on the scene before discharging less lethal extended range impact munitions.

Only a Sergeant or above can authorize the deployment and use of less lethal extended range impact munitions in the Marin County Jail, Court Floor and other custodial facilities.

Only department-approved less lethal extended range impact munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

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

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.

(d) The suspect is identified as inciting a violent or potentially violent crowd.

(e) The suspect exhibits such actions that are identified as a potential threat to cause human injury and/or property damage.

(f) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

(g) Controlling vicious animals.

(h) During approved training exercises.

303.9.3 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject’s clothing.

(d) The subject’s proximity to others.

(e) The location of the subject.

(f) Whether the subject’s actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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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.

Whenever practical, a team of officers will be involved in the use of the less lethal extended range impact munitions. This may include, but is not limited to:

(a) Less lethal operator: Deploys Extended Range Impact munitions.

(b) Cover officer: Necessary in the event that the subject reasonably appears to become an immediate threat to the lives of those present requiring the use of lethal force to stop that threat.

(c) Arrest team: Preferably at least two deputies.

(d) Negotiator/distraction deputy: If available, attempt to negotiate with the subject and/or distract the subject's attention just prior to the deployment of less lethal extended range impact munitions.

Whenever possible, the less lethal operator or other personnel should announce to the nearby officers that less lethal munitions are about to be deployed so as to prevent contagious fire. If appropriate, it may be advantageous to make a similar announcement over the radio.

303.9.4 SAFETY PROCEDURES

Shotguns specifically designated for use with less lethal extended range impact munitions will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects. When it is not deployed, the less lethal extended range shotgun will be loaded in the approved manner and properly and securely stored in the vehicle.

303.9.5 MEDICAL TREATMENT

Medical screening/treatment is mandatory for any subject against whom extended range impact munitions have been deployed. The subject shall be medically cleared by a physician prior to booking into the jail.

The only exception would be when a subject flees the scene after the deployment and efforts to locate him/her are unsuccessful.

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Jail personnel will be notified by the arresting deputy and/or transporting deputy whenever a subject who was apprehended with the use of extended range impact munitions is booked into the jail.

If extended range impact weapons are deployed in the Jail facility, the inmate(s) will be transported to the hospital to be medically cleared.

303.9.6 REPORTING REQUIREMENTS

In instances where less lethal extended range impact munitions are deployed, except in training situations, the following information shall be included in the arrest/incident report:

(a) The circumstances justifying the use of the less lethal extended range impact munitions.

(b) How many less lethal extended range impact munitions were deployed.

(c) The distance from which the less lethal extended range impact munitions were deployed.

(d) How many less lethal extended range impact munitions made contact with the suspect.

(e) What areas of the body the less lethal extended range impact munitions made contact with.

(f) Any injuries sustained by the suspect, or anyone else, as a result of the use of the less lethal extended range impact weapon.

(g) When applicable, the report should include any and all efforts or means attempted to resolve the situation prior to the use of Less Lethal.

303.9.7 EVIDENCE COLLECTION

Photographs of the person who was struck by less lethal extended range impact munitions will be taken. The photographs will include the areas struck and the area alleged by the person to be injured. The photographs will be submitted as evidence.

Any less lethal extended range impact munitions used against a subject will be collected and booked into evidence. If the munition(s) cannot be located, the deploying deputy will document the efforts taken to locate the munitions.

303.9.8 USE RESULTING IN SERIOUS INJURY OR DEATH

Should there be any indication of a potentially life threatening injury or death to the subject resulting from the use of the less lethal extended range impact munitions, the supervisor on scene will treat the incident as an Officer Involved Shooting in accordance with the Officer-Involved Shooting and Deaths Policy.

303.10 LESS LETHAL EXTENDED RANGE IMPACT MUNITIONS - USE IN THE MARIN COUNTY JAIL

All of the provisions for the use of less lethal extended range impact munitions listed above shall apply to the use of less lethal extended range impact munitions in the Marin County Jail unless stated otherwise below.

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303.10.1 DEPLOYMENT AND USE WITHIN THE FACILITY

When a less lethal extended range impact weapon is requested for deployment, a sergeant or Watch Commander shall be immediately notified. The sergeant or Watch Commander shall respond to the incident immediately. Only a sworn deputy with the rank of sergeant or above can authorize the deployment and use of extended range impact weapons within the secure facility of the Marin County Jail.

A sergeant or Watch Commander may authorize or order the use of less lethal extended range impact munitions on armed or unarmed subjects when necessary. The decision to order the use of less lethal extended range impact munitions should be based on an evaluation of the totality of circumstances surrounding the event. When possible, consideration should be given, but not limited to, the following factors or combination of factors:

(a) The safety of personnel on scene

(b) The safety of the inmate

(c) The safety of other inmates

(d) Prevention of escalation of overall hostility by other inmates, whether towards staff or each other

(e) The presence of any weapons, whether visible or reported to be in possession of the subject

(f) The containment and safety of the inmate in a cell

(g) His or her realistic ability to harm himself or herself or others

(h) The subject’s stated or exhibited intent to resist deputies or refuse to obey lawful orders

(i) The credibility of a threat as evaluated by the personnel present

(j) Availability of other force options and their possible effectiveness/appropriateness

(k) Additional information immediately available to personnel; such as knowledge of the subject’s expertise in martial arts or other unarmed defensive tactics

(l) Indications of alcohol intoxication or being under the influence of drugs that may cause the inmate to be or become violent.

(m) Actions by the subject that dictate the need and the appropriateness of the use of less lethal extended range impact munitions.

The secure portion of the Marin County Jail presents additional deployment factors that may be considered, including, but not limited to:

Booking Level:

(a) Safety cells are approximately 9’ deep x 5’9” wide with a food port attached to the door.

(b) Sobering cells are approximately 17’ deep and 9’8” wide with no food port.

(c) Holding cells are approximately 12’ deep x 9’3” wide with no food port.

Housing Level:

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(a) Pod housing cells are approximately 12’ deep x 6’ wide.

(b) All cell doors in the Marin County have food ports.

During jail unrest and/or riotous situations, a specific subject(s) may be targeted with less lethal extended range impact munitions when any of the following conditions are present:

(a) The subject(s) is identified as inciting a violent or potentially violent crowd.

(b) The subject(s) is identified as a threat to a deputy, jail personnel, or the inmate population by throwing potentially dangerous items.

(c) The subject(s) exhibits such actions that are identified as a potential threat to cause human injury and/or property damage.

Whenever practical, a team of officers will be involved in the use of the less lethal extended range impact munitions. This may include but is not limited to:

(a) Jail Sergeant: The Jail Sergeant supervises the incident. The sergeant shall designate a deputy to be the less lethal extended range impact munitions operator for the incident and can authorize deployment of less lethal extended range impact munitions within the secure jail facility. The sergeant’s primary job is to supervise personnel on the scene and to oversee the operation. Therefore, the sergeant should order the less lethal extended range impact munitions be deployed by a deputy on scene and only in emergency situations deploy the weapon themselves.

(b) Less Lethal Operator: The operator of the less lethal launcher shall be responsible for obtaining the weapon from the SRT armory and inspecting it. The operator will ensure that less lethal rounds are loaded in it and the weapon complies with department policy prior to its use. The deputy is the weapon’s operator for the duration of the incident and is accountable for the weapon at all times unless supervisory staff authorize a new operator.

(c) Arrest Team: Preferably the arrest team shall consist of at least two deputies.

(d) Negotiator/Distraction Deputy: If available, attempt to negotiate with the inmate and/or distract the inmate’s attention just prior to the deployment of less lethal extended range impact munitions.

Whenever possible, the less lethal operator, or other personnel on scene should make an announcement that less lethal extended range impact munitions are about to be deployed if appropriate. It may be advantageous to make a similar announcement over the radio. Use of force warnings to inmates shall be given, if possible, prior to deployment.

303.10.2 MEDICAL TREATMENT

If less lethal extended range impact munitions are deployed in the secure jail facility and the inmate is struck by extended range munitions, the inmate will be transported to the hospital to be medically cleared. The subject shall be medically cleared by a physician prior to being re-housed in the jail.

303.10.3 NOTIFICATIONS

In all cases the supervisor shall notify the Lieutenant in charge of Operations and the Watch Commander as soon as practical of the deployment of the less lethal extended range impact

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munitions and of the circumstances surrounding it. If the Operations Lieutenant is not available, the notification shall be made to the Administration Lieutenant and if neither Lieutenant is available, notification to the Detention Services Bureau Commander shall be made.

303.11 TRAINING FOR CONTROL DEVICES

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

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

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

(c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

(d) The Defensive Tactics Team shall be responsible for training department members on the use of impact weapons and OC spray.

303.12 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.

303.12.1 SUPERVISOR RESPONSIBILITIES

Sergeants, or the appropriate supervisor, shall be required to complete the Use of Force Document when any use of force options outlined in Section 1 of the Use of Force Document are used in accordance with the Use of Force Policy.

A link to the Use of Force Document can be found in the Procedures and Attachments section of this policy.

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Conducted Energy Weapon

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Weapons (CEW).

304.1.1 DEFINITIONS

Conducted Energy Weapon (CEW) Monitoring Database - The CEW Monitoring Database will be maintained by the Taser Coordinator through Evidence.com. The Database will list each CEW and cartridge issued by the Department. The database shall contain the serial number of each CEW and cartridge assigned to an individual deputy, including that deputy's name and badge number. If a CEW is not assigned to an individual deputy, the database will include which Division, substation or work group unit each CEW or cartridge has been assigned to. In the event of a discharge or replacement of any equipment, the database will be updated by the Taser Coordinator. The Taser Coordinator shall also maintain an inventory of all CEW equipment. The database shall be audited not less than once per year by the Defensive Tactics Coordinator or the authorized designee.

304.1.2 PROCEDURES

Procedures Manual: 304.1 CONDUCTED ENERGY WEAPON (CEW) PROCEDURES - Click to view procedures

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING CEWS

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

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

Deputies shall only use the CEW and cartridges that have been issued by the Department. Uniformed deputies who have been issued the CEW shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the CEW in the driver's compartment of their vehicle.

Members carrying the CEW shall perform a spark test on the unit prior to every shift. Deputies shall load the cartridge unit(s) after the pre-deployment spark test has been successfully completed.

When carried while in uniform deputies shall carry the CEW in a department approved weak-side holster on the side opposite the duty weapon (Penal Code § 13660). Deputies shall not wear a CEW affixed to a load bearing vest.

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(a) All CEWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) When available, deputies shall carry two cartridges loaded in their CEW while deployed in the field. Deputies shall only use and carry department issued cartridges.

(c) Deputies shall be responsible for ensuring that their issued CEW is properly maintained and in good working order.

(d) Deputies should not hold both a firearm and the CEW at the same time unless lethal force is justified.

(e) Once every thirty days or after a CEW is used, deputies shall remove the CEW battery and place the battery on the charging bay in their designated workplace or substation to allow the internal data to be uploaded to Evidence.com. Deputies will replace the battery with any fully charged battery from the charging bay.

304.4 VERBAL AND VISUAL WARNINGS

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other deputies and individuals with a warning that the CEW may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc by activating the arc switch on either side of the CEW or the laser in a further attempt to gain compliance prior to the application of the CEW. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

304.5 USE OF THE CEW

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

304.5.1 APPLICATION OF THE CEW

The CEW may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the CEW in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

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

304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the CEW probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CEW

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

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

(a) Whether the probes are making proper contact.

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(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies shall immediately notify a supervisor of all CEW discharges. The cartridge serial number should be noted and documented in the narrative of the report. Photos shall also be taken of any area of the body a probe punctured and those photos shall be submitted into evidence. Probes shall be placed into a sharps container and be appropriately disposed of. Probes should not be booked into evidence.

304.5.6 DANGEROUS ANIMALS

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

304.5.7 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry department CEWs while off-duty.

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

304.6 DOCUMENTATION

Deputies shall document all CEW discharges in the related arrest/crime 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, laser activation and arcing the device will also be documented in an appropriate report.

304.6.1 REPORTS

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

(a) Identification of all personnel firing CEWs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject’s physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

(f) The type and brand of CEW, the serial number of the CEW, and the cartridge and cartridge serial number.

(g) Date, time and location of the incident.

(h) Whether any display, laser or arc deterred a subject and gained compliance.

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(i) The number of CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(j) The range at which the CEW was used.

(k) The type of mode used (probe, re-energizing via arc activation or drive-stun).

(l) Location of any probe impact.

(m) Location of contact in drive-stun mode.

(n) Whether medical care was provided to the subject.

(o) Whether the subject sustained any injuries.

(p) Whether any deputies sustained any injuries.

304.7 MEDICAL TREATMENT

When reasonable and safe to do so, deputies shall promptly provide, if properly trained, or otherwise promptly procure medical assistance for any person who has been struck by CEW probes or who has been subjected to the electrical discharge of the CEW (i.e., drive stun mode).

Whenever possible, deputies shall rely on medical personnel (e.g., doctors, nurses, paramedics, EMTs, and/or jail medical staff) to remove CEW probes that are attached to a person. Used CEW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken. Deputies shall carry the probe removal device in their duty gear and ensure it is easily accessible when the CEW is being carried.

If CEW probes are unable to be removed by either the deputy, or by medics who are on scene, the deputy shall arrange to have the subject transported by medical personnel via ambulance to a hospital for further medical treatment. Deputies shall not transport a subject with the CEW probes still attached to that person.

Any time a deputy discharges a CEW against a person and that person has been struck by CEW probes or has been subjected to the electrical discharge of the CEW, and that person requires transportation to the hospital by ambulance, a deputy shall ride in the ambulance with the person who was subjected to the CEW.

Any person who is not in the custody of the Marin County Jail and who has been struck by CEW probes or who has been subjected to the electric discharge of the CEW shall be medically cleared by a physician at a hospital prior to being booked into the Marin County Jail or transported to the Crisis Stabilization Unit.

Any person who is an inmate at the Marin County Jail and who has been struck by CEW probes or who has been subjected to the electric discharge of the CEW shall receive medical treatment by the jail medical staff. The jail medical staff may medically clear the inmate, or direct that the inmate be sent to a hospital for additional treatment related to the CEW application. In any case where the jail medical staff directs an inmate be sent to the hospital for additional treatment related to

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a CEW exposure, that inmate must be medically cleared by a physician at the hospital prior to being brought back to the Marin County Jail.

Additionally, any person who has been struck by CEW probes or who has been subjected to the electric discharge of the CEW and 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 CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

(f) The person exhibits signs of distress prior to or after the exposure to the CEW.

(g) The person was exposed to multiple or prolonged applications of the CEW (i.e., more than 15 seconds)

If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio and/or visual recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW.

304.8 SUPERVISOR RESPONSIBILITIES

The Defensive Tactics Coordinator or the authorized designee should review each incident where a person has been exposed to an activation of the CEW. The device’s onboard memory should be downloaded by placing the battery on the charging dock. The Taser Coordinator or the authorized designee shall download the data and submit the data into evidence with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial department-approved training.

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

The Training Manager is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training.

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Exposure to CEWs during training could result in injury to personnel and should not be mandatory for certification.

The Taser Coordinator should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the CEW and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the CEW.

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Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

It shall be the policy of the Marin County Sheriff's Office to conform to the Law Enforcement Employee-Involved Critical Incident Protocol prepared by the Marin County Law Enforcement Chiefs' Association for the handling of all officer-involved shootings and deaths.

305.2.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

See attachment: Marin Law Enforcement Employee-Involved Critical Incident Protocol Nov 21.pdf

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Firearms

306.1 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.

306.1.1 DEFINITIONS

Department Owned Firearm - Any firearm owned by the Marin County Sheriff's Office, whether issued for a single deputy's long term use, such as an individually assigned duty pistol, or for the temporary use of multiple deputies, such as a patrol rifle or less lethal shotgun.

Lock Box - A locked metal storage container utilized for storing firearms, either individually or collectively. A lock box may be opened with a key, an alpha, numeric, or alpha/numeric passcode, an individually assigned smart card, or through use of a biometric recognition system**.**

Locking Gun Rack - A permanently mounted device used to secure a rifle or less lethal shotgun in a marked or unmarked patrol car.

Level Three Retention Holster - A Level Three holster has two active retention devices in addition to the passive retention of the holster itself, making for three sources of retention. Commonly, a thumb break, hammer loop or trigger guard lock is the device in question.

306.1.2 PROCEDURES

Procedures Manual: 306.1 FLYING WHILE ARMED - Click to view procedures

306.2 POLICY

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

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by a Firearms Instructor. 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 department range.

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's

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Bureau Commander. This exclusion does not apply to the carrying of folding pocket knives or fixed blade knives that are not otherwise prohibited by law.

306.3.1 HANDGUNS

The Marin County Sheriff's Office issues Glock Models 17 and 43/43X handguns in 9mm.

The Sheriff or a Bureau Commander may make short term firearm authorizations when required by mission or officer safety considerations.

306.3.2 PERSONALLY OWNED DUTY FIREARMS

Members are not authorized to carry a personally owned duty firearm during the course of their duties.

306.3.3 SHOTGUNS

The authorized department-issued shotgun is the Remington 870 shotgun. Only members assigned to the Special Response Team (SRT) may use live-fire shotguns during SRT deployments and training. When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack.

Remington 870 shotguns designed to fire less lethal munitions shall be made available to deputies in all other assignments. Use of less lethal extended range impact weapons shall be done in accordance with the Control Devices and Techniques Policy.

All references to shotguns in this policy apply equally to live-fire shotguns assigned to the SRT team and to shotguns used as less lethal munitions.

306.3.4 PATROL RIFLES

The authorized department-issued patrol rifle shall be semi-automatic and authorized by the Range Master.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

Sworn staff members at the rank of Deputy, Sergeant, and Lieutenant shall qualify with the Patrol Rifle platform a minimum of one time per year, at a designated range training.

306.3.5 SECONDARY HANDGUN

Deputies are prohibited from carrying secondary or back-up handguns while on duty.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

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(a) The member may use their duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying their duty firearm will be deemed to have complied with sections (c), (d) and (e) of this section.

    (a) The purchase of the personally owned firearm shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.

(c) It will be the responsibility of the member to confirm the firearm remains in serviceable condition, as designed by the factory. The Department retains the right to periodically inspect the firearm for safety, as deemed necessary by a Firearms Instructor or Range Master.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to a Firearms Instructor that they are proficient in handling.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, serial number and caliber of the firearm to the Range Staff, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, they may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, deputies shall carry their badges and Marin County Sheriff's Office identification cards.

It is not mandatory or a requirement of employment that members carry a weapon off-duty. Members electing to carry an off-duty weapon will do so only in compliance with this policy.

Members shall not carry a firearm while intoxicated.

Any handgun approved for on-duty use and listed in the Handguns Section of this policy may be carried concealed off-duty. If a deputy desires to carry a firearm concealed, off-duty, they may choose any caliber to include.380 through.45 ACP.

Members hired before April 10th, 2018 who possess only an 832 PC Certificate may carry a weapon while on duty.

306.3.7 OFF-DUTY FIREARMS QUALIFICATIONS

Members who carry a firearm off-duty, other than their duty firearm, shall qualify with that off-duty firearm once in each six month period. The off-duty course of fire shall be designated by the Range Master for the calendar year.

306.3.8 AMMUNITION

Members shall carry only department-authorized ammunition. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Range Master when needed, in accordance with established policy.

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306.3.9 CARRYING OF SERVICE WEAPON WHILE ON DUTY
Sworn deputies are required to carry their service weapon while on duty. Exceptions to this requirement shall be:

(a) While interviewing prisoners.

(b) When working in the jail.

(c) While being in certain courtroom environments or other facilities in which the carrying of a weapon would be a threat to security.

(d) When testifying in court in cases where the deputy is a defendant or has a special interest such as Family Court.

(e) At appropriate times, when approved by the deputy's Commanding Officer.

306.3.10 NEW MEMBERS - POSSESSION OF FIREARMS
Members who do not have a basic POST Certificate may carry a firearm on-duty only after they have successfully completed a course of instruction fulfilling the requirements of section 832 of the Penal Code and they have qualified with the weapon being carried. The only exception is that a recruit at a POST approved law enforcement academy may carry and use a firearm while participating in sanctioned firearms training.

306.4 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.

306.4.1 REPAIRS OR MODIFICATIONS
Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm or a firearm under their control to a supervisor or the Range Master.

Firearms that are the property of the Department that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Range Master.

Any repairs or modifications to the member's personally owned firearm shall be done at their expense and must be approved by the Range Master or Firearms Instructor.

306.4.2 HOLSTERS
Uniformed deputies shall carry their handgun in a department issued or department approved Level Three retention holster. The holster shall be basket weave, mock basket weave, or black in color to conform with other gear carried on the deputy's belt. If armed, plainclothes and off-duty deputies shall carry their firearm securely in an ankle, belt, shoulder, waistband or belly pack style holder.

When on-duty and concealment is not possible or is impractical, a full sized badge will be worn or displayed. When off-duty, the firearm shall be completely concealed from view.

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Each holster must provide secure retention of the weapon during strenuous activity, including running, rolling as if wrestling with a suspect, and jumping over obstacles or from heights.

306.4.3 TACTICAL LIGHTS OR LASERS

Tactical lights, purchased by the individual deputy, may be installed on a firearm carried on- or off-duty. The purchase, maintenance, and use of the required holster shall meet all requirements as stated above in section 306.4.2 HOLSTERS.

Laser aiming devices may only be installed on a firearm carried on- or off-duty after it has been examined and approved by the Range Staff. Any approved laser shall only be installed in strict accordance with manufacturers specifications.

Once an approved light or laser has been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

306.4.5 RED DOT EQUIPPED DUTY HANDGUNS

Red Dot Sight (RDS) sighting systems are approved for duty use by members of the Marin County Sheriff's Office. Deputies may only use their issued Gen5 G17MOS duty pistol or G43X MOS (Depending on assignment) with a department issued RDS and/or iron back up sights.

The following are required for any RDS equipped duty handgun:

(a) RDS equipped handguns shall have iron sights installed as backup to the Red Dot Sight. These sights must be visible through the optic window, to be used in the event of an electronic failure. Authorized RDS for duty use are the Holusun 509 optic (G17 MOS) or the Holsun EPS Carry (G43X). The RDS optic shall be installed by the Range Master or approved Firearms Instructor, to meet manufacturer specifications and recommendations.

(b) RDS equipped handguns shall be zeroed at 25 yards. Battery replacement will take place on an annual basis or as needed.

(c) Every deputy carrying an RDS on their duty pistol must complete an 8 hour RDS training course. The training day will consist of RDS-specific courses of fire and a range qualification with the optic prior to being authorized for duty use. After the 8 hour training course, the deputy must qualify in accordance with Policy 306.6.

(d) Deputies shall use a Level III duty holster in accordance with Policy 306.4.2.

    1. Safariland model 7360RDS with ALS/SLS is authorized to carry. Other reputable brand holsters will need to be approved by the Range Master prior to authorization for carry.

    2. When on duty and in a plain clothes capacity, the firearm must be carried in a reputable brand holster that satisfies the requirements of this policy, specifically Holsters 306.4.2.

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306.5 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 Master or Firearms Instructor.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where it is safe to do so.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in a safe manner and outside of the patrol vehicle.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Any firearm issued by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Range Master approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Range Master 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.

306.5.1 INSPECTION AND STORAGE

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

Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner and then stored in the appropriate equipment storage room.

306.5.2 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 department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

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306.5.3 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).

During a deputy's tour of duty, assigned patrol rifles and less lethal shotguns shall be stored in a department approved locking gun rack, or a lock box that has been securely mounted within a marked or unmarked department owned vehicle. While stored in that condition, patrol rifles and less lethal shotguns shall have a fully loaded magazine. The firing chamber shall be empty.

Members shall ensure all weapons are secured while the vehicle is unattended. Members shall remove all firearms from their patrol vehicle at the end of their shift unless the vehicle is personally passed on to another member for use during that member's shift. No firearm shall ever be left in a vehicle if that vehicle is not being used by a member who is on-duty.

Other department owned firearms shall never be stored within an unattended vehicle, whether marked, unmarked, or privately owned, unless that firearm is locked in a lock box that is securely mounted within the vehicle. Whenever possible, that lock box should be mounted out of view, either in the trunk of a sedan, or in the rear cargo area of an SUV, covered by a privacy screen.

306.5.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who is under the influence 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.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All deputies shall qualify in the prescribed manner as required by this order. This qualification shall take place at a range under the supervision of the Firearms Instructor.

Members shall qualify on a designated live-fire course of fire a minimum of four times per year and must qualify utilizing the Force Option Simulator/De-Escalation System a minimum of twice per year.

Only those members who meet the minimum requirements of demonstrated proficiency in the use of firearms shall be allowed to carry firearms in the course of their employment.

The firearm and duty gear used by a deputy to fulfill their shooting qualification requirements shall be the same items they carries on duty in their current assignment. Ammunition used for qualification shall be either full factory load service ammunition or training ammunition.

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Any firearms used during ceremonial events do not need to meet the qualification requirements of this policy section.

The Range Master shall be responsible for keeping a progressive record of qualifications scores made by members. Such reports shall be maintained for a period of three years. At the end of each calendar year, the Range Master shall prepare and forward a report to the Administrative Bureau Commander documenting which staff members failed to qualify during the previous year. The Range Master will include in the report a summary as to what remedial training was provided and in cases where discipline was administered for failing to qualify, the Range Master will include a summary of the discipline.

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification and/or de-escalation training for any reason, the Range Master will submit a memorandum to the Professional Standards Unit Lieutenant at the conclusion of the bi-monthly qualification cycle.

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

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

    (a) Unauthorized range make-up

    (b) 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.

306.6.2 EXCEPTIONS TO THE QUALIFICATION REQUIREMENT

Exceptions to the requirement to qualify:

1. Medical: Members who are unable to fire the qualification course because of an injury or physical impairment shall be examined by a physician. The member shall obtain a statement from the physician describing the nature of their condition which prevents them from qualifying and an estimate of the length of time for which the member should be excused from qualification requirements. The statement will be reviewed and signed by the member's Commanding Officer and forwarded to the Training Manager for filing in the member's personnel file.

    (a) Any member maintaining a medical exception in excess of 180 days shall lose their authority to carry a firearm on or off duty, until the qualification requirements are met.

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2. Vacation: When a member is on vacation during all available qualification dates during a bi-monthly period, that member shall be afforded an exemption from the bi-monthly qualification requirement.
3. Light Duty: Members on light duty shall qualify unless they have a written request for exception from a physician.
    (a) Any member maintaining a medical exception in excess of 180 days shall lose their authority to carry a firearm on- or off-duty, until the qualification requirements are met. The Professional Standards Lieutenant will notify the member of the date they are not longer eligible to carry a firearm if the 180 day time frame is expected.
    (b) Scheduling: When the range is closed due to unscheduled problems the Range Director may reduce the number of minimum annual qualification times.

306.6.3 QUALIFICATION COURSE
The Range Master shall set the qualification courses in accordance with department requirements and range agreements or restrictions.

The qualifying score will be determined by the Range Staff according to the degree of difficulty presented by the course and surrounding conditions.

All qualification courses shall be scored using a rating of qualified or not qualified.

306.7 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 circumstances permit. If no supervisory officer is available, the deputy shall notify an appropriate Commander in the member's assigned Division. 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 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.

Whenever a deputy, whether on or off-duty, discharges their firearm accidentally, a special investigation may be initiated by the Bureau Commander of the responsible member. This special investigation shall be conducted in compliance with the procedures set forth in the Officer-Involved Shootings and Deaths policy.

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In the event of an accidental or negligent discharge of a Department owned firearm, the Range Staff shall be notified by the member's supervisor to inspect the weapon for functionality and/or safety prior to being placed back in service.

306.7.1 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, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CEW, 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.

306.7.2 INJURED ANIMALS

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 (Penal Code § 597.1(e)).

Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). 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.

When a deputy determines that they must dispatch a seriously injured and/or dangerous animal due to the unavailability of a Humane Society officer, the deputy will, whenever possible, notify the on-duty supervisor of the circumstances prior to dispatching the animal. If the supervisor is not available, the deputy will notify the Communications Center of the action to be taken, and the deputy will notify the on-duty supervisor of the action taken as soon as practicable. Members shall take into consideration a clear and safe backdrop prior to dispatching an injured animal.

306.7.3 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 shall not be used.

306.7.4 REPLACEMENT OF DUTY WEAPON AFTER SHOOTING

In the event that a deputy is involved in either an on–duty or off-duty shooting incident, their handgun will be taken pending investigation. If this handgun is the deputy's duty handgun (whether personally owned or department issue), the Department will issue a replacement handgun and required equipment.

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306.8 LEAD RANGE MASTER DUTIES

The range will be under the exclusive control of the Range Master. All members attending will follow the directions of the Range Master. The Lead Range Master will maintain a roster of all members attending the range and will submit the roster to the Training Manager and the Professional Standards Unit Lieutenant at the completion of the qualification cycle. Failure of any member to sign in with the Range Staff may result in non-qualification.

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

The Range Staff shall periodically inspect, at least once a year, all department issued duty firearms carried by members of this department to verify proper operation. The Range Master has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Range Master or other department approved armorer.

The Lead Range Master is responsible for documenting that each member meets the minimum range requirements during training and range qualifications.

The Lead Range Master shall complete and submit to the Professional Standards Unit Lieutenant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Range Master should keep accurate records of all range related trainings, qualifications, inspections, maintenance or other records as directed by the Professional Standards Unit Lieutenant.

306.8.1 RANGE DIRECTOR

The Undersheriff is the Range Director of the Marin County Sheriff's Office.

The Range Master shall be appointed by the Undersheriff.

It is the responsibility of the Range Master to report in writing to the Undersheriff or the authorized designee via chain of command all violations of policy that occur at the range.

306.8.2 FIREARMS INSTRUCTOR

Members of this Department who have been specially trained in firearms instruction, safety and range training shall be designated as Firearms Instructors.

Firearms Instructors shall be utilized in training department members in the proper safety practices with firearms and procedures for qualifying with them.

Firearms Instructors shall also have complete authority and responsibility for the enforcement of all safety rules and regulations regardless of rank when they are instructing at the range.

Firearms Instructors who observe improper safety practices with firearms, at any time, shall advise the member committing the error. If the improper procedure continues by the member, the Firearms Instructors shall notify the member's supervisor.

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306.8.3 RANGE - RECORDS AND REPORTS
Qualifications completed during the qualification cycle shall be recorded on a qualification form at the range by the Firearms Instructor. Copies of the qualification reports will be forwarded by the Range Master to the Professional Standards Unit Lieutenant at the completion of the qualification cycle.

306.9 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 Department based on the law and published TSA rules.

(b) Deputies must carry their Marin 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 Department and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Marin 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 Marin County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

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(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.

306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time deputies of this department 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 Marin 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 department policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield 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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Canines

309.1 PURPOSE AND SCOPE

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

309.1.1 PROCEDURES

There are no procedures associated with this policy.

309.2 POLICY

It is the policy of the Marin 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.

309.3 ASSIGNMENT

Canine teams may be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the 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 supervisor.

309.4 CANINE COORDINATOR

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

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

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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309.5 REQUESTS FOR CANINE TEAMS

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

309.5.1 OUTSIDE AGENCY REQUEST

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

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.5.2 PUBLIC DEMONSTRATION

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

309.6 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.

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

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to deputies, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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

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

309.6.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect’s known or perceived age.

(e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other deputies at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

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

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

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309.6.2 WARNINGS AND ANNOUNCEMENTS

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

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

309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

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

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual’s injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department 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).

309.7 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

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conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(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.

309.7.1 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.

309.7.2 NARCOTICS DETECTION

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

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

309.7.3 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.

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

309.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) A deputy who is currently off probation.

(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Marin County limits.

(e) Agreeing to be assigned to the position for a minimum of three years.

309.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Marin County Sheriff's Office facility.

(e) Handlers shall permit the canine coordinator to conduct 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.

(f) 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.

(g) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) 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.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.

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(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

309.9.1 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.

309.10 HANDLER COMPENSATION

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

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA). To achieve compliance in this area, canine handlers shall be compensated with four hours of leave each week. This compensation is for bathing, brushing, exercising, feeding, grooming, cleaning of the dog’s kennel or transport vehicle, administering drugs or medicine for illness, and/or transporting the dog to and from an animal hospital or veterinarian, and training the dog at home.

309.11 CANINE INJURY AND MEDICAL CARE

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

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

309.12 TRAINING

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

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

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department 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 risks of exposure and treatment for it.

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

309.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to meet POST standards and a current nationally recognized standard 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 Marin County Sheriff's Office canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

309.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

309.12.3 TRAINING RECORDS

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

309.12.4 TRAINING AIDS

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

309.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Marin County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

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

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

309.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property Room 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.

309.12.7 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.

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(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 of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Domestic Violence

310.1 PURPOSE AND SCOPE

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

310.1.1 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.

310.1.2 PROCEDURES AND ATTACHMENTS

See attachment: MCSO DV Mandates Sept 2024.pdf

See attachment: Marin Domestic Violence Protocol 2012.pdf

310.2 POLICY

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

310.3 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.

310.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other

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children who may not have been in the house at that particular time should also be obtained for follow-up.

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

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Division in the event that the injuries later become visible.

(f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

(j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

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

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310.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, deputies should:

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

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE
If no arrest is made, the deputy should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

310.4.3 ARRESTING DEPUTIES' RESPONSIBILITIES REGARDING FIREARMS
If a suspect is arrested, deputies shall (Penal Code § 273.76):

(a) Query the Automated Firearms System through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.

1. The investigating or filing deputy shall include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.

(b) Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.

(c) Ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody pursuant to Penal Code § 18250.

(d) Document in the arrest report the detailed actions taken required by Penal Code § 273.76.

310.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

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(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.

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

(h) Seek or assist the victim in obtaining an emergency 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).

310.6 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.

310.7 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).

310.8 VERIFICATION OF COURT ORDERS

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

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

1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the deputy shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order

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before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

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

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

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

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

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

310.9 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

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(d) In responding to domestic violence incidents, including mutual protective order violations, deputies should generally be reluctant to make dual arrests. Deputies shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, a deputy shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

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

310.10 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)).

310.11 RECORD-KEEPING AND DATA COLLECTION

This department 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 Department, 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.

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310.12 SERVICE OF COURT ORDERS

(a) A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

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

(c) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

310.13 PUBLIC ACCESS TO POLICY

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

310.14 DECLARATION IN SUPPORT OF BAIL INCREASE

Any deputy who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the deputy shall prepare a declaration in support of increased bail (Penal Code § 1269c).

310.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

This department 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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310.16 UNIFORM MARIN COUNTY LAW ENFORCEMENT PROTOCOL FOR THE HANDLING OF DOMESTIC VIOLENCE CASES

In addition to knowing and executing the provisions of this policy as it relates to domestic violence investigations, deputies shall also familiarize themselves with the Uniform Marin County Law Enforcement Protocol for the Handling of Domestic Violence Cases. This protocol was created and is maintained by the Marin County District Attorney's Office and it provides a more detailed step-by-step procedure for the handling of domestic violence investigations.

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Search and Seizure

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

311.1.1 PROCEDURES

There are no procedures associated with this policy.

311.2 POLICY

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

The Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

311.3 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
- Probation and parole searches

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

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

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

311.4 SEARCH PROTOCOL

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:

1. Another deputy or a supervisor should witness the search.
2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing, or clothing that could not reasonably conceal a weapon.

311.5 DOCUMENTATION

Deputies are responsible to document any search that meets one or more of the following criteria:

(a) The search resulted in the recovery of evidence or contraband.

(b) The search resulted in the arrest or citation of the person searched, or any person related to the search, or charges may be brought against the person searched at a later time as a result of the search.

(c) Any use of force was required to conduct the search.

(d) Any damage to property occurred during the search.

Nothing in this policy prohibits a deputy from documenting any search that does not meet the criteria stated above if the deputy believes documentation of the search is appropriate.

Documentation of any search required by this policy shall include, at minimum, documentation of the following:

(a) Reason for the search

(b) Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)

(c) What, if any, injuries or damage occurred

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(d) All steps taken to secure property

(e) The results of the search, including a description of any property or contraband seized

(f) If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

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

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Temporary Custody of Juveniles

312.1 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 Marin 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.

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

Safety checks - Direct, visual observation personally by a member of this department 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).

312.1.2 PROCEDURES AND ATTACHMENTS
There are no procedures associated with this policy.

See attachment: Secure Detention of Juveniles Log.pdf

See attachment: Non Secure Detention of Juveniles Log.pdf

See attachment: Applicable Requirements For Adult Facilities That Hold Minors In Detention.pdf

312.2 POLICY

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

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Marin 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 a supervisor. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any

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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).

These juveniles should not be held at the Marin 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).

312.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

A medical clearance shall be obtained for any minor known to have ingested, or who appears to be under the influence of one or more intoxicating substances prior to bringing the minor to a Marin County Sheriff’s Office facility, unless the minor is to be kept in non-secured custody for only a brief time while waiting for a parent or guardian. This does not apply to a minor who has only consumed a small amount of an alcoholic beverage and is not intoxicated.

312.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department 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).

312.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Marin 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 Marin County Sheriff's Office without authorization of the arresting deputy's 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

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entry into the Marin County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1).

312.4.1 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 Marin 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).

312.4.2 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).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

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

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the Department.

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

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(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).

312.5 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). Contact with the juvenile's parent, guardian, or a responsible relative, or lack thereof, shall be noted in the arrest report.

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).

312.6 JUVENILE CUSTODY LOGS

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

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Marin County Sheriff's Office (15 CCR 1150).

(c) 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.

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(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 supervisor shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released. All juvenile detention logs shall be routed to the Detective Sergeant in charge of juvenile crimes as soon as practicable. It is not necessary to submit a juvenile detention log as an attachment to a report.

312.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; 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 Marin 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).

312.8 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Marin County Sheriff's Office more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Marin 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. In the case of non-binary/gender non-conforming youth, a deputy of the gender of the youth's choosing shall supervise hygiene activities and care 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.

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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 who menstruate or experiences uterine or vaginal bleeding shall, without needing to request, be provided sanitary napkins, panty liners, and tampons (15 CCR 1143).

(g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

(k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(l) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(n) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(p) Juveniles shall have access to language services (15 CCR 1143).

(q) Juveniles shall have access to disability services (15 CCR 1143).

(r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

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).

312.9 RELIGIOUS ACCOMMODATION

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

312.10 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 Marin County Sheriff's Office when the

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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 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).

312.11 PERSONAL PROPERTY

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

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

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

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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).

Since it is the policy of the Marin County Sheriff's Office for any juvenile under the age of 14 years not to be held in secure detention in Sheriff's Office facilities, any such juvenile should be taken directly to Juvenile Hall at the time of his or her arrest. If a juvenile under the age of 14 years, being held in non-secure detention at any Marin County Sheriff's Office facility, becomes violent or poses a serious risk of harm to others, he/she shall immediately be taken to Juvenile Hall in a secure fashion to be held in secure detention.

312.12.1 LOCKED ENCLOSURES

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to department members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

312.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

If a minor attempts suicide, suffers serious injury, or dies while being detained at any Marin County Sheriff's Office facility, whether the juvenile was being detained securely or non-securely, the following criteria shall be followed (15 CCR 1142; 15 CCR 1047):

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(a) Immediate notification of the on-duty supervisor, Sheriff, and Investigations Division Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the County attorney.

(e) Notification to the coroner.

(f) Notification to the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

1. The review team will include an Administrative Lieutenant, the responsible physician and other health care and supervisory staff who are relevant to the incident.

2. A copy of the review report shall be provided to BSCC within 60 days of the death (15 CCR 1046).

(i) Evidence preservation.

312.13.1 IN-CUSTODY DEATH PUBLICATION

The Sheriff or the authorized designee should ensure that specified information relating to an in-custody death of a juvenile is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

312.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, a deputy shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile (Welfare and Institutions Code § 625.6).

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

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

(a) Information is necessary to protect life or property from an imminent threat.

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1. The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

312.14.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department 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).

312.15 FORMAL BOOKING

When a deputy takes a juvenile into temporary custody, the decision to book the juvenile into Juvenile Hall shall be guided by the factors described below.

Prior to arrival at Juvenile Hall, the deputy should make an effort to advise Juvenile Hall of the name, age, offense, and any other relevant information that may affect housing. When booking

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juveniles at Juvenile Hall, deputies shall retain copies of all paperwork submitted to Juvenile Hall staff and attach those copies to their report.

312.15.1 FELONIES (602 W&I)

When a juvenile is arrested for a felony, the arresting officers shall evaluate the circumstances surrounding the case to decide if the suspect is to be incarcerated at Juvenile Hall or released on a non-custody referral. Factors to be considered include:

(a) A sex crime or crime with great bodily injury

(b) An act of violence

(c) Substantial degree of property damage or loss

(d) A serious felony or part of a pattern or series

(e) A significant criminal history of criminal offenses

(f) A threat to self or others

(g) A ward of the court

(h) An offense as listed in 707(b) WIC (i.e. serious and violent felony)

All juveniles arrested for a felony should be photographed and fingerprinted prior to being released on a citation or non-custodial referral. All juveniles booked into Marin County Juvenile Hall will be photographed and fingerprinted by Juvenile Hall staff at the time of booking. Felony arrests requiring booking shall require a probable cause declaration.

312.15.2 MISDEMEANORS (602 W&I)

Deputies should utilize a citation release in lieu of a physical booking in as many misdemeanor cases as possible. In most cases, juvenile misdemeanants can be cited and released to a responsible adult.

Deputies may exercise their discretion in certain instances by releasing the juvenile to a responsible adult without a citation or arrest made. In these instances, the deputy may “counsel and release” the juvenile in the field or the deputy may release the juvenile in the field and later request charges be filed in the Juvenile Court. Such a decision may be based in part on a variety of factors including, but not limited to:

(a) The juvenile's age

(b) The juvenile’s prior history of criminal activity and/or substance abuse

(c) The juvenile’s status (i.e. probation, ward of the court, gang activity)

(d) Seriousness of the violation

(e) The amount of damage or injury involved

(f) The need for the parent or guardian to have immediate knowledge of the circumstances surrounding the violation.

(g) Likelihood of offense to continue

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(h) The need to conduct additional investigation

Misdemeanor arrests requiring booking shall require a probable cause declaration. Printing and photographing misdemeanor arrestees may be done to assist in criminal prosecution or as a means of identification where there is a likelihood of future criminal conduct.

312.15.3 STATUS OFFENDERS (601 W&I)

Generally, Juvenile Hall will not accept juveniles arrested for status offenses.

Marin County runaway juveniles may be detained and should be released to a parent or guardian as soon as possible after the detention is made. If a deputy is unable to locate or contact a parent or guardian, the deputy must then arrange for an appropriate temporary placement. In cases where the child would be considered at risk due to age or other factors, and the deputy is unable to locate or contact a responsible parent or guardian, the deputy may need to contact Marin County Department of Children and Family Services in order to seek appropriate placement.

Out-of-County runaway juveniles may be detained and should be released to a parent or guardian as soon as possible after the detention is made. If a deputy is unable to locate or contact a parent or guardian, the deputy must then arrange for an appropriate temporary placement. The deputy should also consider contacting the law enforcement agency having jurisdiction over the child's county of residency and making arrangements to have the child immediately transported back to their county of residency. In cases where the child would be considered at risk due to age or other factors, and the deputy is unable to locate or contact a responsible parent or guardian, the deputy may need to contact the Marin County Department of Children and Family Services in order to seek appropriate placement.

In extreme cases, Juvenile Hall will accept courtesy placements of Out-of-County runaway juveniles. If the supervisor determines a parent or guardian cannot respond in a reasonable time or has not been located, the juvenile should be booked into Juvenile Hall. Placement of an Out-of-County runaway in Juvenile Hall will require that the booking deputy exhaust all other possibilities for placement. The deputy should list in his/her report all attempted contact information including but not limited to: name, phone number, date, and time of attempted contact, and relationship to the juvenile.

Juveniles who fall under the provisions of Welfare and Institutions Code § 300 cannot be accepted by Juvenile Hall. The Marin County Department of Children and Family Services should be contacted for placement of juveniles falling under this section.

312.15.4 JUVENILE WARRANTS

Juvenile Hall will accept all juveniles brought in for criminal arrest warrants. Juvenile Hall will also accept persons 18 years of age who have been arrested on Juvenile Court Warrants. Any person 19 years of age or older, arrested on a Juvenile Court Warrant shall be booked into the Marin County Jail.

The Marin County Department of Children and Family Services should be called for civil body attachment warrants or any warrants stating "deliver to Child Protective Services."

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312.15.5 MEDICAL CLEARANCE PRIOR TO BOOKING

Juveniles arrested on criminal charges that have a medical condition, are under the influence of alcohol or narcotics, or who display suicidal tendencies, shall be medically cleared at a hospital prior to being booked into Juvenile Hall. Deputies shall follow the guidelines listed below when obtaining medical clearance for a juvenile in their custody:

(a) The examining doctor must note on the Medical Release Form that the juvenile is medically cleared to be held at Juvenile Hall in a detention facility and that the medical condition does not require immediate medical care or continuous observation during incarceration.

(b) If the arrested juvenile requires hospitalization that will significantly delay booking, he/she may be released on a citation, a non-custodial referral, or may be released pursuant to Penal Code § 849(b). If released pursuant to Penal Code § 849(b), the juvenile may be arrested and booked after treatment is complete.

If Juvenile Hall staff does not accept the medical clearance:

(a) The juvenile may be released on a citation or non-custodial referral on all crimes except felony crimes against persons.

(b) When a release on a citation or non-custodial referral is not an option or the crime is a felony crime against person(s), the supervisor shall contact the Juvenile Hall Director or his/her designee in order to facilitate appropriate placement.

Welfare and Institutions § 5150 Clearance – After receiving medical clearance in cases where a juvenile displays suicidal tendencies, the juvenile must be taken to Marin Psychiatric Emergency Services (Unit B) in order to evaluate the juvenile to determine if the juvenile is actually a suicide risk. A juvenile must receive a Welfare and Institutions § 5150 clearance prior to being booked at Juvenile Hall. In cases of children not being booked at Juvenile Hall, but who fall under the provisions of Welfare and Institutions § 5150, deputies shall transport the juvenile to the appropriate crisis unit, unless the juvenile is transported by an ambulance. In those cases, the deputy shall follow the ambulance to the crisis unit/hospital.

When a physical arrest or booking must be delayed due to a juvenile’s extensive medical treatment, hospitalization, or a hold per Welfare and Institutions § 5150, the case disposition will be “Investigation in Progress”. The on-coming supervisor will then:

(a) Contact and advise the Investigations Division Juvenile Unit Supervisor.

(b) Advise the next Patrol Division supervisor of the need for a deputy to arrest and book the juvenile upon the juvenile’s release.

(c) Confirm the case disposition is changed to “Closed by Arrest” once the juvenile is booked or released on a citation or non-custodial referral.

(d) Determine if the arrest should be handled by an outside agency such as the Probation Department. If this is the case, have the report forwarded to the Investigations Division Juvenile Unit Supervisor as soon as possible.

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312.16 RELEASE OF INFORMATION CONCERNING JUVENILES

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

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

312.17 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

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

312.18 TRAINING

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

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Senior and Disability Victimization

313.1 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 Marin County Sheriff's Office members as required by law (Penal Code § 368.6).

The Marin 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).

313.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict 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 also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

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

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

(a) Elder and dependent adult abuse

(b) Unlawful interference with a mandated report

(c) Homicide of an elder, dependent adult, or other adult or child with a disability

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(d) Sex crimes against elders, dependent adults, or other adults and children with disabilities

(e) Child abuse of children with disabilities

(f) Violation of relevant protective orders

(g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them

(h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

313.1.2 PROCEDURES AND ATTACHMENTS
There are no procedures associated with this policy.

See attachment: Elder Abuse Investigation Guide and Checklist.pdf

See attachment: CDSS SOC 341 Report of Suspected Dependent Adult Elder Abuse.pdf

313.2 POLICY

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

313.2.1 ARREST POLICY
It is the department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

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

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

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

313.3 INVESTIGATIONS AND REPORTING

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

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

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(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected elder and dependent adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

(j) Witness and suspect statements if available.

(k) Review of all portable audio/video recorders, devices, and other available video.

(l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.

(m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).

(o) Whether a death involved the End of Life Option Act:

1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person’s life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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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)).

313.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

(a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).

(c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).

(d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

313.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.

(c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).

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(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.

313.5 MANDATORY NOTIFICATION

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

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

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

(a) If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.

(b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

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(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 Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(h) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(i) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigations Division supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

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

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)).

313.5.1 NOTIFICATION PROCEDURE

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

(a) The name of the person making the report.

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(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.

313.6 PROTECTIVE CUSTODY

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

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

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

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

313.6.1 EMERGENCY PROTECTIVE ORDERS

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

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313.6.2 VERIFICATION OF PROTECTIVE ORDER

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

(a) Inquire whether the restrained person possesses firearms. The deputy should make this effort by asking the restrained person and the protected person.

(b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

(c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

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

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

313.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

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313.8 MEDICAL EXAMINATIONS

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

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

313.9 DRUG-ENDANGERED VICTIMS

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

313.9.1 DEPUTY RESPONSIBILITIES

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

(a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Division supervisor so an interagency response can begin.

313.9.2 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are 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 Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.

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

313.10 TRAINING

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

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(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.

313.10.1 MANDATORY TRAINING

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

(a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).

(b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).

1. Training should include the following:

(a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).

(b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Manager 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)).

313.11 RECORDS BUREAU RESPONSIBILITIES

The Documentary Services Division 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.

313.12 JURISDICTION

The Marin 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).

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Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this department 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.

313.13 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

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

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Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

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

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

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

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

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

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

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.

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2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
3. False imprisonment, as defined in Section 236 of the Penal Code.
4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice. medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

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

Welfare and Institutions Code § 15610.57

(a) "Neglect" means either of the following:

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
3. Failure to protect from health and safety hazards.
4. Failure to prevent malnutrition or dehydration.
5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
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).

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Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

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

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

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

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

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

1. Sexual battery, as defined in Section 243.4 of the Penal Code.
2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
3. Rape in concert, as described in Section 264.1 of the Penal Code.
4. Incest, as defined in Section 285 of the Penal Code.
5. Sodomy, as defined in Section 286 of the Penal Code.
6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
7. Sexual penetration, as defined in Section 289 of the Penal Code.
8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

1. For punishment.
2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
3. For any purpose not authorized by the physician and surgeon.

313.14 SHERIFF RESPONSIBILITIES

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

(a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department 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.

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(b) Developing and including department protocols in this policy, including but not limited to the following:

1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
    (a) In the case of a senior and disability victimization committed in a deputy's presence, including but not limited to a violation of a relevant protective order, the deputy shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    (b) In the case of a felony not committed in a deputy's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    (c) In the case of a misdemeanor not committed in the deputy's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
    (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding deputies to follow when interviewing persons with cognitive and communication disabilities until deputies, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

(c) For each department protocol, include either a specific title-by-title list of deputy responsibilities or a specific office or unit in the Department 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.

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313.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department 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.

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Discriminatory Harassment

314.1 PURPOSE AND SCOPE

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

314.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the link for the County of Marin anti-discrimination and harassment policy: Final PMR 21 revision 06-30-15.pdf

314.2 POLICY

The policy of the County of Marin regarding discrimination and harassment shall be the policy of this department. The text of this order is the verbatim policy of the County of Marin regarding discrimination and harassment. Any change to the County of Marin policy must be approved by the Board of Supervisors.

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Child Abuse

315.1 PURPOSE AND SCOPE

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

315.1.1 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).

315.1.2 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the link for the: MCSO Guide for Investigating Child Sexual Abuse Cases 3-11-17.pdf

Click the link for the: Patrol Response to CPS Calls Rev 2016.pdf

Click the link for the: Child Forensic Interview Questions.pdf

315.2 POLICY

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

315.3 MANDATORY NOTIFICATION

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

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. 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).

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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).

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.

315.3.1 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. The written report shall be completed using the DOJ SS 8572 form (Suspected Child Abuse Report).

1. Any deputy to whom an incident of suspected child abuse has been reported is responsible for faxing the DOJ SS 8572 form to CPS.

2. If a copy of the report needs to be faxed to CPS along with the DOJ SS 8572 form, the deputy should use the routing feature of the reporting system to make this request to the Documentary Services Division. This request must include the name of the person or unit where the report is to be sent and the fax number.

315.3.2 CASES INVOLVING DOMESTIC VIOLENCE

Deputies should remain cognizant of the fact that children exposed to domestic violence in their homes are often the victims of physical, emotional or mental abuse. Deputies responding to any report of domestic violence should investigate and document the presence of children in the home. Deputies should cross-report to a Child Protective Services agency, pursuant to Penal Code § 11166, any situation in which they determine that a child is in the home and has been exposed to domestic violence.

315.4 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.

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(c) Present all cases of alleged child abuse to the prosecutor for review.

1. Cases that are determined to be unsubstantiated do not need to be presented to the prosecutor for review pending review by the Investigations Supervisor.

(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).

315.5 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. Reports shall be completed by the end of the assigned deputy's shift.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

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315.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department 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).

315.5.2 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.

315.6 PROTECTIVE CUSTODY

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

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.

2. The child is in immediate danger of physical or sexual abuse.

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3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

315.6.1 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.

315.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

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

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

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

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

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

315.7.2 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.

315.7.3 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).

315.8 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 contact the appropriate detective and collaborate to arrange for the child's transportation to the appropriate medical facility.

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

Any medical examination of a child done for the purposes of collecting evidence shall be done in accordance with the Marin County SART Protocol (March 2015 Edition).

315.9 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.

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315.9.1 SUPERVISOR RESPONSIBILITIES

The Marin County Major Crimes Assistant Commander 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 Division 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.

315.9.2 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 Marin County Major Crimes Assistant Commander supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

315.10.1 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).

315.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

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

315.10.3 CACI HEARING OFFICER

The Investigations Division 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. If a conflict is identified, the Department of Social Services will be notified and a suitable hearing officer

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will be assigned. 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.

315.10.4 CACI HEARING PROCEDURES

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

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

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

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

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

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

315.10.5 CHILD DEATH REVIEW TEAM

This department 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).

315.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

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(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 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).

316.1.2 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: Missing Person CJIS 8568 Form.pdf

Click the following link for: BCIA 4048 Skeletal Dental xray Authorization Form.pdf

Click the following link for: BFS 900 - DNA Donor Submission Form.pdf

Click the following link for: Consent Waiver Form.pdf

Click the following link for: MCSO Missing Person Checklist.pdf

Click the following link for: Missing Person School Notification.pdf

316.2 POLICY

The Marin 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

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reveals otherwise. The Marin 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).

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations 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:

- DOJ CJIS 8568 Missing Person Report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Department form for the release of medical records.
- Biological sample collection kits

316.4 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).

316.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) In cases where the missing person is under the age of 16 years, ensure an all-county bulletin is broadcast over the radio without delay.

(f) Ensure that entries are made into the appropriate missing person networks as follows:

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1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(g) Complete the appropriate report forms including the applicable sections of the department Consent/Waiver form accurately and completely and initiate a search as applicable under the facts.

(h) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. Any documents that may assist in the investigation, such as court orders regarding custody.
3. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(i) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier and complete any applicable court orders.

(j) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member shall notify a supervisor and proceed with reasonable steps to locate the missing person.

(k) Produce a law enforcement missing person flier and distribute to the appropriate law enforcement agencies using the appropriate missing person network.

(l) Obtain information on access to funds (i.e., credit or debit cards).

(m) Determine if the missing person has access to a vehicle or transportation (i.e., private car or ride sharing service).

In the case of a missing or runaway juvenile reported by a parent or guardian, the deputy shall take the initial report and obtain the following information:

(a) The time the juvenile was last seen

(b) A list of all companions and their addresses

(c) Information regarding any ailments the juvenile has requiring regular medication or treatment, which, if not received would endanger the health of the child or public

(d) The school the juvenile was attending

In the case of a missing or runaway juvenile from out of home placement, the deputy shall take the initial report and obtain the following information:

(a) The time the juvenile was last seen

(b) A list of all companions and their addresses

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(c) The names, business address and telephone number of the juvenile's probation officer and/or social worker

(d) The name, home and business address, home and business telephone numbers of the juvenile's parents or nearest relative if parents do not exist

(e) The reason the juvenile is placed in the foster home, receiving home, private boarding school, private or public treatment home, halfway house, etc.

(f) The status of the juvenile (i.e., Welfare Institutions Code § 300 602)

(g) Information regarding any ailments the juvenile has requiring regular medication or treatment, which, if not received would endanger the health of the child or public

(h) The school the juvenile was attending.

316.6 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.

316.6.1 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 Documentary Services Division and the Investigations Division.

(b) Ensure resources are deployed as appropriate.

(c) Initiate a command post as needed.

(d) Ensure applicable notifications and public alerts are made and documented.

(e) Ensure that records have been entered into the appropriate missing persons networks.

(f) Take 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.

316.6.2 DOCUMENTARY SERVICES DIVISION RESPONSIBILITIES

The receiving member from the Documentary Services Division shall do any or all of the following when requested by the assigned deputy, investigator or supervisor:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

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(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

(d) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Within 30 days of the original entry, shall verify and update CLETS, NCIC and any other applicable missing person networks with additional information, including, where available, medical and dental records and a photograph taken during the previous 180 days (34 USC § 41308).

(e) Within 30 days of entry, inform the parents or other appropriate relatives that they may give a voluntary DNA sample for use in identifying the missing person (Penal Code 14250-14251). Donor samples will be submitted to the California Department of Justice Missing Persons DNA program. The samples(s) must be collected by law enforcement officers and the CA DOJ Bureau of Forensic Services (BFS) Form 900 must be completed and accompany any samples.

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least annually.

(g) 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).

(h) Should make appropriate inquiry with the Coroner.

(i) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

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(j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(l) 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).

(m) If a law enforcement missing person flier has not been created and distributed, the assigned detective shall do so using the appropriate missing person network.

316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the deputy taking the report of the found person 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 deputy or assigned investigator 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 via the appropriate missing person networks.

(b) The missing person’s school is notified.

(c) Entries are made in the applicable missing person networks (e.g., CLETS, MPS, UPS, NamUs).

(d) Immediately notify the Attorney General’s Office via the appropriate missing person networks.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

(f) Any BOLOs or all county bulletins that were issued are canceled.

(g) Cancel any law enforcement missing person flier that was distributed using the appropriate missing person network.

In the case of a missing or runaway juvenile reported by a parent or guardian who is found, the deputy should release the juvenile to a parent or guardian. In the case of a runaway juvenile, the deputy may issue a citation to the juvenile or his/her parent if appropriate. The deputy or assigned investigator may issue either a Juvenile Probation Citation or an in-house Juvenile Diversion Citation in accordance with the Juvenile Citation Policy.

In the case of a missing or runaway juvenile from an out-of-home placement who is found or has returned, the deputy should release the juvenile to an adult staff member of the out-of-home placement. In the case of a runaway juvenile, the deputy may issue a citation to the juvenile or his/her guardian if appropriate. The deputy or assigned investigator may issue either a Juvenile

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Probation Citation or an in-house Juvenile Diversion Citation in accordance with the Juvenile Citation Policy.

316.8.1 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.

316.9 CASE CLOSURE

A 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 Marin or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactivate 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.

(e) The recovery and identification of partial remains will not be cause to close a case or remove the person from MUPS. The entry should be updated to include specific information on unrecovered remains.

316.10 WALKAWAY PSYCHIATRIC PATIENTS FROM TREATMENT FACILITIES

Upon receiving information that an involuntarily placed patient has walked away from any of the County’s mental health facilities or any facility designated by the County to provide psychiatric services and this facility is located in Marin County Sheriff’s Office jurisdiction, a missing persons report will be taken by the assigned deputy if the facility requests the patient be returned and the patient is not located soon after the report is made by the facility. All applicable requirements for the handling of missing persons cases shall be followed by the assigned deputy in accordance with this policy.

The following facilities have been designated by the County to provide psychiatric services:

(a) Marin County Psychiatric Emergency Services/Crisis Stabilization Unit (Unit B/CSU)

(b) Marin Health Medical Center (Unit A)

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(c) Marin Health Medical Center (Emergency Department)

(d) All State Hospitals

(e) All Veteran’s Administration Hospitals

316.10.1 NOTIFICATION, REPORTING AND INVESTIGATION

Pursuant to Welfare and Institutions Code § 7325, the psychiatric facility or conservator must notify the Department in writing that a patient is a walkaway (elopement) if the facility wants the patient to be returned. The facility or conservator must fax a letter with the patient's name, address, date of birth, physical description, date/time the hold was initiated and the date/time the hold expires to the Communications Center.

If the patient is located by a deputy or through other means soon after or prior to the notification to the Communications Center, the patient shall be returned to the facility. The Communications Center will document any pertinent information regarding the patient in the incident details. If the patient is not located soon after the notification to the Communications Center, the assigned deputy shall prepare a missing person report in accordance with this policy.

The Communications Center shall make the appropriate missing person network entries and broadcast the appropriate BOLOs in accordance with this policy. The Communications Center shall also send a teletype to the law enforcement agency where the patient lives.

Any deputy who receives a report of a walkaway psychiatric patient shall attempt to locate that patient. An investigator from the Investigations Division will conduct any required follow up.

316.10.2 PATIENT LOCATED OR RETURNED

If the patient is located, the deputy must return the patient to the facility if the involuntary hold has not expired, even if the patient does not meet the criteria for a hold pursuant to Welfare and Institutions Code § 5150 at the time of the detention (Welfare and Institutions Code § 7325). The deputy should check the written notification to verify whether or not the hold has expired prior to returning the patient to the facility.

Welfare and Institutions Code § 7325 provides the authority for Peace Officers to return walkaway psychiatric patients to the facility without the necessity of a warrant or court order.

If the involuntary hold has expired, the deputy can still transport the patient to the facility if the patient meets the criteria for a hold pursuant to Welfare and Institutions Code § 5150.

When a walkaway patient is found, the assigned deputy shall complete a supplemental report and any other requirements listed in the When a Missing Person is Found section of this policy.

316.11 CHILD ABDUCTION PROTOCOL

It is the policy of the Marin County Sheriff’s Office to investigate all reports of child abduction in accordance with the Federal Bureau of Investigation’s (FBI) Child Abduction Response Plan and to ensure full use of all available resources.

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The FBI has published an investigative guide titled: Child Abduction Response Plan (2008). It is a current composite of the most recent investigative approaches and techniques available for these most difficult cases. A packet labeled “Susp 1065J/Poss Abduction Resp Kit” has been assembled and assigned to each substation and Patrol Sergeant's vehicle. The kit contains the FBI investigative guide, the guide’s pocket size check list, the MCSO First Responder Check List for Missing Children, victim background questionnaire forms, neighborhood roadblock forms, neighborhood canvas forms and free narrative forms. Patrol Sergeants should refer to this kit whenever a child stranger-abduction is suspected. The first hours after a disappearance or abduction are critical hours and law enforcement’s actions during those hours set the foundation for the life of the case.

The Child Abduction Response Plan should be readily available for reference by all Patrol Sergeants. Sergeants shall familiarize themselves with the Child Abduction Response Plan.

316.12 PERSONS UNDER TEMPORARY CONSERVATORSHIP

Upon being contacted by the Public Guardian’s Office and informed that a conservatee whose residence is Marin County has left a facility in another county, a missing person report shall be prepared by a deputy. The deputy shall advise the Communications Center to make teletype notification to the law enforcement agency in the county from where the conservatee is missing, and the Communications Center will enter the conservatee’s information into the appropriate missing person networks in accordance with this policy.

316.13 TRAINING

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:
    1. Assessments and interviews
    2. Use of current resources, such as Mobile Audio Video (MAV)
    3. Confirming missing status and custody status of minors
    4. Evaluating the need for a heightened response
    5. Identifying the zone of safety based on chronological age and developmental stage
(b) Briefing of department members at the scene.
(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
(d) Verifying the accuracy of all descriptive information.
(e) Initiating a neighborhood investigation.
(f) Investigating any relevant recent family dynamics.
(g) Addressing conflicting information.

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(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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Public Alerts

317.1 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.

317.1.1 PROCEDURES

Procedures Manual: 317.1 AMBER ALERT SYSTEM - PROCEDURES - Click to view procedures

See attachment: Emergency Evacuation Operations Procedure.pdf

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television, press organizations, other groups and relevant social media platforms 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.

317.3 RESPONSIBILITIES

317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Marin County Sheriff's Office should notify their supervisor, Watch Commander or Patrol Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff or his/her designee 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

317.4 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.

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317.4.1 CRITERIA FOR AMBER ALERT

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

(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.

317.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Communications Center so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

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317.5 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.

317.5.1 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.

317.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle
2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to the Communications Center so that general broadcasts can be made to local law enforcement agencies.

(d) The following resources should be considered as circumstances dictate:

1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

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317.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

317.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The department has utilized all available local resources.

(c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

317.7 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

317.7.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

(a) A person has been killed due to a hit-and-run incident.

(b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.

(c) The department 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.

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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.

317.7.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

317.8 FEATHER ALERT

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Department (Government Code § 8594.13).

317.8.1 CRITERIA FOR FEATHER ALERT

The Department may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (Government Code § 8594.13):

(a) The missing person is an Indigenous person.

(b) The Department has utilized local and tribal resources.

(c) The investigating deputy has determined the person is missing.

(d) The investigating deputy or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:

1. The missing person's physical safety may be endangered.
2. The missing person may be subject to trafficking.
3. The missing person suffers from a mental or physical disability, or substance use disorder.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.8.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

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317.9 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).

317.9.1 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 Department 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.

317.9.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

317.10 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).

317.10.1 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

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dangerous person, or that there are other factors indicating that the person may be in peril.

(f) The Department 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.

317.10.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

317.11 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).

Depending on the emergency, the Department's ability to reach citizens with traditional alert and warning tools may be limited or impaired. Marked department patrol vehicles are equipped with an alternate siren system, the HI/LO Siren, that is located on the same console as the normal siren/code 3 light switches. The use of this European-style siren is restricted to situations requiring immediate evacuations to prevent the loss of life and shall not be used during the course of regular patrol duties or during Code-3 operations.

Use of the HI/LO Siren must be directed by the Watch Commander or a supervisor. In the absence of supervisor direction, officers should get supervisor approval prior to utilizing the HI/LO Siren. If the direction to utilize the HI/LO Sirens did not originate with a command staff member, the Watch Commander or supervisor shall immediately notify a command staff member of the situation and justification to use the HI/LO Sirens to initiate evacuations.

317.11.1 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.

317.11.2 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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317.12 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES

In the event of an emergency, as defined in Government Code § 7299.7, the Marin County Sheriff's Office shall provide information to the public relating to the emergency in all languages jointly spoken by the local population as provided in Government Code § 7299.7.

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Victim and Witness Assistance

318.1 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.

318.1.1 PROCEDURES

Procedures Manual: 318.1 MARSY'S CARDS AND VINE INFORMATION - Click to view procedures

318.2 POLICY

The Marin County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Marin 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.

318.3 CRIME VICTIM LIAISON

The Sheriff shall appoint a member of the Department 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 Marin 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.

318.3.1 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).

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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 Marin County Sheriff's Office jurisdiction (Penal Code § 680.2).

(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 Department, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

318.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

318.4.1 VICTIMS OF HUMAN TRAFFICKING

Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim’s parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

318.5 VICTIM INFORMATION

The Field Services Bureau Commander 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)).

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(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U visa and T visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the deputy's name, badge number and any applicable case or incident number.

(l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

318.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

319.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Marin County Sheriff's Office may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

319.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression -Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability

(b) Gender

(c) Nationality

(d) Race or ethnicity

(e) Religion

(f) Sexual orientation

(g) Association with a person or group with one or more of these actual or perceived characteristics:

1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, deputies should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office

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

319.1.2 PROCEDURES AND ATTACHMENTS
There are no procedures associated with this policy.

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

319.2 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All deputies are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or other command-level officer to whom the Sheriff formally delegates this responsibility.

319.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department 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.

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319.3.1 HATE CRIMES COORDINATOR

A department 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 department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab, Middle Eastern, Islamic, lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ), Black, Native American, immigrant, Jewish, Asian American, and Pacific Islander communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.

(i) Coordinating with the Training Manager to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to deputies in the field and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Documentary Services Division for mandated reporting to the California Department of Justice.

    1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).

(l) Reporting any suspected multi-mission extremist crimes to the department 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 Documentary Services Division Policy.

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(m) Maintaining the department'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.

2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

319.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.

(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim’s family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

319.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

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319.4.1 INITIAL RESPONSE

First responding deputies should know the role of all department personnel as they relate to the department'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:

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (Refer to the Procedures and Attachments section of this policy).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.

1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department 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.

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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).

(l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(n) Document any suspected multi-mission extremist crimes.

319.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.

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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.

(i) Canvass the area for additional witnesses.

(j) Examine suspect's social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
2. Provide ongoing information to victims about the status of the criminal investigation.
3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).

(o) Document any suspected multi-mission extremist crimes.

(p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

319.4.3 SUPERVISION

The supervisor shall confer with the initial responding deputy and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

(a) Provide immediate assistance to the crime victim by:

1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
2. Expressing the department'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.

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3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department 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.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning a deputy to specific locations that could become targets).

(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

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

319.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation (Penal Code § 13519.6).

Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.

(b) Accurate reporting by deputies, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

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(d) When a gun violence restraining order may be appropriate for prevention of hate crimes (Penal Code § 13519.6).

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Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Marin County Sheriff's Office and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.1.1 PROCEDURES

There are no procedures associated with this policy.

320.2 POLICY

The continued employment or appointment of every member of the Marin County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the

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opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

A member receiving an unlawful, unjust or improper order shall, at first opportunity, report in writing to the Sheriff through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra Sheriff's Office action regarding such an appeal shall be conducted through the Office of the Sheriff.

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Members shall diligently study principles and new enactments of the laws they enforce. Members shall be responsible for keeping abreast of current case law as it applies to their duties.

Loyalty to the Department and to associates is an important factor in department morale and efficiency. Members shall maintain a loyalty to the Department and their associates as is consistent with the law and personal ethics.

Cooperation between the ranks and units of the Department is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation within the Department.

All members are required to take appropriate law enforcement action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be impending.

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Within the County of Marin, members shall at all times take appropriate action to:

- Protect life and property
- Preserve the peace
- Prevent crime
- Detect and arrest violators of the law
- Enforce all Federal, State and County laws and ordinances within the Sheriff’s Office jurisdiction

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

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 department service:

320.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or County manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

(d) Ridiculing a superior officer or his/her orders, whether in or out of his/her presence, is also insubordination.

320.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Marin County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

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1. Any unauthorized gift, gratuity, loan, fee, reward or other thing falling into any of these categories coming into the possession of any member or employee shall be forwarded to the Office of the Sheriff together with a written report explaining the circumstances connected therewith.
2. Employees shall not solicit or accept free admission to theaters or other places of amusement for themselves or others except in the line of duty.

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on -duty or through the use of one's official capacity.

(b) Engaging in on--duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

(f) Members are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner or other person involved in any case which has come to his/her attention or which arose out of his Sheriff's Office employment except as may be specifically authorized by the Sheriff.

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(g) Nothing will be entered on any Sheriff's Office business card that confers special consideration to the recipient. Such a card will be forwarded to the Office of the Sheriff should a member come into its possession, together with a report of how he/she obtained the card.

(h) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

320.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

    (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

320.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping, loafing or lingering during on-duty time.

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(e) Failure to notify the Department within 24 hours of any change in residence,address or contact numbers.

(f) Recreational reading (except meals)

(g) Conduct of private business

(h) Carrying of newspapers or other articles (except in the performance of police duty)

(i) All members on duty or in uniform shall not enter taverns, theaters or other public places except to perform a law enforcement task. Loitering and unnecessary conversation in such locations is forbidden. Eating in a licensed liquor establishment, although not forbidden, is discouraged. Members and employees off duty and not on any official standby shall not loiter in Sheriff's Office areas.

(j) Immediately upon reporting for duty in a new unit, employees shall record their correct residence address and telephone number with the Commanding Officer. Employees are required to have operational telephones in the place where they reside. Changes in address or telephone numbers shall be reported to the Commanding Officer within 24 hours of the change. This shall be done in writing on the appropriate form and within the specified time whether the member is working or on leave. A copy of the written notification will also be sent to the Business Office.

(k) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

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(a) While on department premises.

(b) At any work site, while onduty or while in uniform, or while using any department equipment or system.

(c) Gambling activity undertaken as part of member's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

(a) Unauthorized attendance while onduty at official legislative or political sessions.

(b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on department property except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.

(h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.

(i) Any act on or off duty that brings discredit to this department.

320.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the County.

(g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

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(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.

(m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

(n) Members shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer's profession. Members shall not participate in any incident involving moral turpitude.

(o) Members shall not undertake financial obligations, which they know or reasonably should know they will be unable to meet and shall pay all debts when due.

(p) Members shall not engage in any strike, work obstruction or abstention in whole or in part from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.

(q) Members shall maintain a neutral position with regard to the merits of any labor dispute, political protest or other public demonstration while acting in an official capacity.

(r) Members shall perform their duties in such a manner as to discourage double standards.

(s) Members shall maintain the integrity of their profession through complete disclosure of those who violate any law, or who conduct themselves in a manner which tends to discredit the profession.

(t) Members shall have responsibility for reporting to proper authorities any known information, which would serve to disqualify candidates from transferring within or entering the law enforcement profession in any position.

320.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the Sheriff or the authorized designee.

(f) Unsafe or improper driving habits or actions in the course of employment.

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(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but in no case more than 24 hours.

320.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

(d) Members shall refrain from consuming intoxicating beverages to the extent that it results in impairment, which brings discredit upon the profession or the department or renders them unfit for their next tour of duty.

320.6 PRISON RAPE ELIMINATION ACT DISCLOSURE

Members have a continuing affirmative duty to notify the Captain of the Detention Services Bureau in writing if they have (28 CFR 115.17):

(a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution as defined in 42 USC § 1997.

(b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

(c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

320.7 FRATERNIZATION

It is the policy of the Marin County Sheriff's Office that all members shall not engage in interpersonal relationships which have been determined to be detrimental to the law enforcement profession. Those detrimental relationships could include, but are not limited to acts that are morally questionable, shocking, or atrocious that could come to the attention of the media.

It is the responsibility of the member to notify the Sheriff or Undersheriff, either personally or by confidential memorandum, of the arrest, incarceration, or prosecution of a family member, close personal friend, or business associate for any felony or misdemeanor crime or moral turpitude.

320.7.1 DEFINITIONS RELATED TO THIS SECTION

Family Member - Any immediate relative who cohabitates with the employee.

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In-Custody Inmate - Any person currently in custody in any county jail, state or federal prison, county or state juvenile detention facility. This includes any person who is temporarily out of custody at a treatment facility, out of custody probation, or is serving a sentence on either home detention or an electronic monitoring program.

320.7.2 ASSOCIATIONS WITH PERSONS OF QUESTIONABLE CHARACTER

Members shall not establish, attempt to establish, or maintain a personal or business relationship with any person who the member knows or reasonably should know is a known member of the criminal subculture. This includes, but is not limited to persons with multiple recent arrests and persons who are commonly suspected by law enforcement of being involved in criminal activity (e.g. known bookmakers, receivers of stolen property, prostitutes, narcotics dealers and users of controlled substances).

Members shall not establish, attempt to establish, or maintain a personal or business relationship with any person against whom criminal charges are pending in a court of law in this or any other jurisdiction. This section does not apply to immediate family members as defined by this policy.

Members shall exercise due care, prudence, and the utmost discretion in any contact with any convicted former inmate of any county jail, state prison, or federal prison, with persons possessing a known felony criminal record, persons who are known users of illegal drugs or narcotics, persons with known underworld connections, or members of known criminal gangs.

Members shall not establish, attempt to establish, or engage in any personal or business relationship with an in-custody prisoner of any county jail, state or federal prison, or juvenile detention facility during the period of such person’s incarceration.

Members shall not loan, exchange, borrow property, or enter into any business or social transaction with any in-custody inmate.

Members shall not utilize information in department files, including automated data bases, to which the Department subscribes or has access, to obtain personal information regarding any person who is in custody or has been in custody other than in the normal course of duty.

This policy does not include those contacts that are necessary in order to carry out duty assignments.

320.7.3 EXCEPTIONS

The Sheriff or Undersheriff, after reviewing the circumstances of the arrest, incarceration, or prosecution, may issue an exception to this policy. In the absence of such notification by the concerned employee, it is assumed that no exception is warranted and the concerned employee shall immediately terminate such relationship.

320.8 CIVIL ACTIONS BY OR INVOLVING MEMBERS

Members shall not institute any civil action arising out of their official duties without first notifying the Division Commander to which assigned.

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Members shall not use their positions with the Department as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the member.

Civil action interviews involving members that arise out of department employment shall be conducted according to current directives or as directed by the Sheriff or Undersheriff.

Members shall not volunteer to testify and shall not testify unless legally subpoenaed in civil actions arising out of department employment. Members shall accept all subpoenas legally served. If the subpoena arises out of department employment or if the member is informed that he/she is a party to a civil action arising out of department employment, he/she shall immediately notify his/her supervisor and any other party as directed by competent authority. Members shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with any department directive, or as authorized by law.

Members shall confer with their commanding officers before giving a deposition or affidavit on a civil case. If the commanding officer determines that the case is of importance to the County of Marin or the Department, he/she shall inform the Sheriff or Undersheriff before the deposition or affidavit is given.

Members shall not serve civil process unless directed to do so as a duty assignment. Members shall avoid entering into civil disputes; particularly members while performing their official duties but shall prevent or abate a breach of the peace or crime in such cases.

Employees shall not accept or agree to accept anything as payment for personal injury incurred in the line of duty without first notifying the Professional Standards Unit Lieutenant.

320.9 SHERIFF'S OFFICIAL AUTHORITY TO DISCIPLINE

Final Sheriff’s Office disciplinary authority and responsibility rests with the Sheriff. Except for oral reprimands, written reprimands, and emergency suspensions, all department discipline must be taken or approved by the Sheriff or Undersheriff. Other supervisory personnel may take the following disciplinary measures:

(a) Oral reprimand

(b) Written reprimand (subject to approval by the Bureau Commander)

(c) Emergency suspension

(d) Written recommendations for other penalties

320.9.1 EMERGENCY SUSPENSION

The following personnel have the authority to impose emergency suspension until the next business day against a member or employee when it appears such action is in the best interest of the Sheriff’s Office:

(a) Any command officer as defined herein

(b) Any supervisory officer with the concurrence of a command officer

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When the improper conduct of an employee of one unit is of such a nature that immediate or emergency disciplinary action is required of a command or supervisory officer of another unit, such action may be taken at once within the following limitations:

(a) Oral reprimand

1. When the command or supervisory officer of one unit orally reprimands a member or employee of another unit, he shall notify the supervisor of themember so disciplined as soon as possible. He shall also submit a written report of this action and reasons therefore to his commanding officer and the commanding officer of the member or employee.

(b) Emergency suspension until the next business day

An employee receiving an emergency suspension shall be required to report to the Undersheriff on the next business day at 0900 unless otherwise directed by competent authority. The command or supervisory officer imposing or recommending the suspension shall also report to the Undersheriff at the same time.

When emergency disciplinary action is taken (except for oral reprimand) a written report must be submitted immediately containing the following information:

(a) The name, rank, serial number and present assignment of the person being disciplined.

(b) The date(s) and time(s) of the misconduct and location(s.)

(c) The section number(s) of this manual violated or common name of the infraction.

(d) A complete statement of the facts of the misconduct.

(e) The action taken.

(f) The written signature, serial number and rank of the preparing officer and his position in relation to the member being disciplined.

The report shall be distributed as follows by the member imposing disciplinary action:

- Original to the Bureau Commander
- Copy to member's Commanding Officer
- Copy retained by member recommending this action
- Copy to offending member

Each level in the chain of command must endorse and forward reports bearing on disciplinary matters received. Such endorsement may be one of approval, disapproval or modification. No member shall alter or cause to be altered or withdrawn any disciplinary report. Disciplinary reports in transit through the chain of command shall not be delayed, but must be reviewed, endorsed and forwarded as soon as possible. Disciplinary reports shall be filed in accordance with current department directives.

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320.9.2 COMMANDING OFFICER'S DUTIES - MINOR CENSURABLE CONDUCT WITHIN THE UNIT

The Commanding Officer of his/her unit has the primary responsibility for the investigation of misconduct. When the conduct is such that it only affects the internal operation of the unit, he/she may, in lieu of initiating formal disciplinary action:

- Warn the member
- Administer a Commanding Officer’s admonishment

This shall not preclude the Sheriff or Undersheriff from directing any additional investigation nor shall it be construed to deny the rights of the member to a formal review of his/her case by the Sheriff or Undersheriff.

Adjudication by the Commanding Officer is a permissive procedure. Examples of minor censurable conduct that may be adjudicated by the Commanding Officer include:

- Tardiness
- Uniform defects
- Minor mishandling of equipment
- Violation of unit orders of an internal nature
- Violation of standard operating procedures of an internal nature

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Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software, and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Marin County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

321.1.2 PROCEDURES

There are no procedures associated with this policy.

321.2 POLICY

It is the policy of the Marin County Sheriff's Office that members shall use information technology resources, including computers, software, and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a

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database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

321.4 RESTRICTED USE

Members shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software, or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person’s access passwords, logon information, and other individual security data, protocols and procedures unless directed to do so by a supervisor.

Personally owned computers such as laptops, hand held devices, and other similar computer devices may be used only with prior written approval from the employee’s Division Commander, and cleared through the Technology Services Unit (TSU). No personally owned computers or computer systems shall be connected to any department network at any time, without prior approval from the employee’s Division Commander, and cleared through TSU. Such a connection includes, but is not limited to, VPN (virtual private network) or direct connection via LAN port (local area network).

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the TSU and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from TSU and a full scan for malicious attachments.

Any employee or division wishing to acquire and use any software that varies from the department standard must receive prior written authorization from the Division Commander and TSU.

Employees who exclusively use a single-user computer may make minor modifications to the general appearance and functionality of their computer to accommodate personal working style.

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321.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet should be limited to messages, mail, and data files.

There shall be no expectation of privacy in any internet or network access, either of which is subject to periodic and unannounced audits to ensure compliance with this order.

Reasonable and limited personal use of County and department systems and internet is permitted. Such use will be minimal, brief, and conducted during approved breaks, or as otherwise specifically authorized by the Sheriff or the authorized designee. During limited personal use, employees shall not view or access any prohibited material as defined by this policy.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities.

Members have remote access to their email accounts from computers or other devices outside of the department network using Outlook Web Access. This is typically used by members to access email, calendar, and contacts from their personal computers or other devices at home. This remote email service is provided to members as a convenience, and there is no expectation that members will monitor their email accounts while off duty. Work performed remotely during off-duty hours is not authorized unless performing that work has been previously approved by the member's supervisor, consistent with all other applicable policies and procedures.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

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321.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

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.

321.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The TSU staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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Department Use of Social Media

322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

322.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

322.1.2 PROCEDURES

There are no procedures associated with this policy.

322.2 POLICY

The Marin County Sheriff's Office may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

322.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command.

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322.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.

(f) Traffic information.

(g) Media releases.

(h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

322.4.1 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.

322.5 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 Marin County Sheriff's Office or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

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Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

322.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

322.6 MONITORING CONTENT

The Sheriff should appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

322.7 RETENTION OF RECORDS

The Administration Bureau 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.

322.8 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 department sites.

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Report Preparation

323.1 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.

323.1.1 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.

Any forms associated with a report that are hand written must be prepared legibly. If the form is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the form.

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.

323.1.2 PROCEDURES AND ATTACHMENTS

Procedures Manual: 323.1 REPORT PREPARATION PROCEDURES - Click to view procedures

Click the following link for: Tiburon ARS Cheat Sheet.pdf

323.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

323.2.1 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 physical violence, threats or stalking behavior

(d) Situations covered by separate policy. These include:

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1. Use of Force Policy
2. Domestic Violence Policy
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 department-approved alternative reporting method (e.g., dispatch log).

323.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Anytime a deputy points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

1. This does not include the discharge of a firearm at an approved range and during an approved range session.

(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.

323.2.3 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.

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(b) Suicides.

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

(e) Found dead bodies or body parts.

323.2.4 CORONER CASES

Deputies documenting the investigation of coroner cases shall do so in compliance with the Coroner Investigation Policy.

323.2.5 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 in compliance with the Department Owned and Personal Property policy.

323.2.6 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury is a result of an intentional drug overdose

(b) Attempted suicide

(c) A member is directly involved in the incident in which the injury is major/serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

323.2.7 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 Documentary Services Division shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

323.2.8 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Abandoned Vehicles

(b) Harassing Phone Calls

(c) Identity Theft

(d) Lost Property

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(e) Theft

(f) Theft from Vehicles

(g) Vandalism

(h) Vehicle Tampering

Members may refer victims to online reporting for the above incidents, however, any report that qualifies for online reporting should be taken by a deputy in person or over the phone if the victim or reporting person prefers to make the report in that manner. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

323.3 CUSTODY DIVISION - INCIDENT REPORTING

Incident reports generally serve as an in-house notation of occurrences in the jail facility and to initiate, document and support the inmate disciplinary process. The Department shall establish a filing system that differentiates between incident reports, crime reports and disciplinary actions. This policy does not require the duplication of information on two different forms. Where both exist, cross-referencing facilitates retrieval of one or both.

Incidents that shall be documented using the appropriate approved report include (15 CCR 1044):

(a) Non-criminal incidents of rule violations by inmates.

(b) Attempted suicide or suicidal ideation on the part of an inmate, if known.

(c) Non-criminal breaches of security or evidence of an escape attempt.

(d) Non-criminal security threats, including intelligence related to jail activities.

(e) Significant incidents related to medical issues, health or safety in the jail.

(f) Discovery of contraband in the possession of inmates or their housing areas.

(g) Detaining or handcuffing any visitor at the facility.

(h) Traffic collisions involving department vehicles.

(i) Risk management incidents to include injuries to inmates and lost or damaged property.

(j) Accidental injuries of staff, inmates or the general public.

323.3.1 INCIDENT REPORTING PROCEDURE

Crime Report - A report that documents a criminal incident.

Incident Report - A report which documents a non-criminal incident.

Custody Staff members shall document crimes, incidents and information on the appropriate forms, using the report writing format as set forth by this department. The report shall include the names of person(s) involved, a description of the incident, the actions taken and the date and time of occurrence. All reports will be written in accordance with this policy.

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The report shall be submitted to the supervisor in charge for review and approval. The supervisor shall forward a copy to the Operations Lieutenant within twenty-four hours of the incident.

323.4 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.

323.5 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete a follow-up request stating the reasons for rejection. The follow-up request should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

323.6 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Documentary Services Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Documentary Services Division may be corrected or modified by the authoring deputy.

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Media Relations

324.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

324.1.1 DEFINITIONS

Routine News Release - consists of answering media inquiries over the telephone or email. Typically, media organizations want general information on newsworthy events.

Formal News Release - consists of a written press release containing relevant details of an event, a crime series, or other news useful to the public. Formal News Releases are usually issued through the Public Information Officer (PIO) during business hours.

Special News Release - consists of information released either verbally, in written form, or by use of social media from divisions such as the Special Investigations Unit, Coroner Division or the Office of Emergency Services.

Best Interest and Safety of the Public - A circumstance, or set of circumstances, where the release of a booking photograph serves more than the mere curiosity of the news media, newspaper, or general public. Examples of this include, but are not limited to, a crime or series of crimes that likely involve other, as yet unidentified, victims; a suspect whose eventual release from custody makes prudent the release of his image to the public because of the potential for his re-offending and the need for the public to be aware of his possible presence in their neighborhoods; a suspect who is wanted and whose release of a prior booking photo might aid in his/her capture.

Public Information Officer (PIO) - Person designated by the Sheriff as the primary point of contact for the news media.

Representative of the News Media - A person whose primary employment is gathering or reporting news for: a newspaper of general circulation, a news magazine, a national or international news service, a radio or television news program or stations holding a Federal Communications Commission license. The Sheriff’s Office recognizes valid forms of identification issued to media representatives by their respective local, national and international accredited news agencies. Press privileges are extended to those news bureau representatives who carry and display proper identification issued by their agencies. Any questions concerning the validity of press credentials should be referred to the PIO.

Newspaper - A periodical of general circulation if it circulates among the general public and it publishes news of a general character of general interest. For a newspaper to be considered, by law, of general circulation it must publish legal notices. It must also contain items of general interest to the public such as political, religious, commercial or social affairs.

Arresting Agency - The law enforcement agency that arrests and books an individual into the Marin County Jail.

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324.1.2 PROCEDURES
Procedures Manual: 324.1 NEWS MEDIA RELEASES PROCEDURES - Click to view procedures

Procedures Manual: 324.2 BOOKING PHOTO RELEASE PROCEDURES - Click to view procedures

324.2 POLICY

It is the policy of this department that the ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff.

324.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. In situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Bureau Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

324.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

324.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.

(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

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324.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

324.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

324.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

324.7 BOOKING PHOTO RELEASE

It shall be the policy of the Marin County Sheriff's Office not to release booking photos unless the release of such photos serves the best interest and/or safety of the public. This policy is in accordance with the California Attorney General’s Opinion No 03-205, dated July 14, 2003, which leaves the release of these photos to the discretion of the Sheriff. In general, it is the policy of this

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agency not to release booking photos to representatives of the news media or newspapers. The Marin County Sheriff's Office may, however, release said document to the arresting agency at the discretion of the Sheriff or his/her designee.

Any requests for booking photos from news media outlets shall be directed to the Sheriff's Office's PIO.

324.8 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

324.8.1 EMPLOYEE INFORMATION

The identities of deputies involved in shootings or other critical incidents may only be released to the media upon the consent of the involved deputy or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of deputies involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

324.9 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

324.9.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

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(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 or the information is confidential (e.g., juveniles).

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

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Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Marin County Sheriff's Office to cover any related work absences and keep the Department informed about relevant legal matters.

325.1.1 PROCEDURES

Procedures Manual: 325.1 TRAFFIC COURT APPEARANCES - Click to view procedures

325.2 POLICY

Marin County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the deputy or by delivery of two copies of the subpoena to the deputy's supervisor or other authorized department agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to a deputy to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.

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(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any civil action stemming from the member's on-duty activity or because of his/her association with the Marin County Sheriff's Office.

(d) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Marin County Sheriff's Office.

The supervisor will then notify the Professional Standards Unit Lieutenant and the appropriate prosecuting attorney as may be indicated by the case. The Professional Standards Unit Lieutenant should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

325.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

325.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official.

325.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

325.6 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

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(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

(d) Weapons will not be displayed unless wearing the uniform.

(e) Members shall present a neat and clean appearance avoiding any mannerism, which might imply disrespect to the court such as gum chewing and smoking.

325.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall obtain a copy of relevant reports and become familiar with the content in order to be prepared for court.

325.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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Outside Agency Assistance

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid, mutual assistance or when assisting another law enforcement agency.

326.1.1 DEFINITIONS

Mutual Aid - Mutual Aid is defined as a request for law enforcement resources by the Marin County Sheriff's Office from agencies residing outside of the County of Marin that are needed to augment local Marin resources during a major event or declared emergency, which is not a planned event, when the resources required to safely and effectively manage that event cannot be obtained from within the County of Marin. Mutual Aid can also be sent by the Marin County Sheriff's Office to agencies residing outside the County of Marin for the reasons stated above.

Mutual Assistance - Mutual Assistance is a request for assistance from the Marin County Sheriff's Office for law enforcement resources residing within the County of Marin that are needed to support an incident or event a local Marin County law enforcement agency is unable to effectively manage without additional resources they themselves are unable to provide. Mutual Assistance can also be sent by the Marin County Sheriff's Office to agencies residing inside the County of Marin for the reasons stated above.

CalEMA Mission Number: The Cal EMA Mission Number is issued by Cal EMA to track the number and type of personnel and/or equipment dedicated to a Mutual Aid request. Issuance of a Law Enforcement Mission Number does not provide requesting or responding agencies any reimbursement guarantee, nor protection from the costs associated with a Mutual Aid request. During Mutual Aid requests that are strictly limited to a Search and Rescue mission, issuance of a Mission Number does provide those protections.

326.1.2 PROCEDURES

There are no procedures related to this policy.

326.2 POLICY

It is the policy of the Marin County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of mutual assistance from another agency should be routed to the patrol supervisor for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests. Requests for any type of mutual aid from or for another agency should be routed to the Watch Commander for approval.

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When another law enforcement agency requests mutual assistance from this department, the patrol supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency.Deputies mayprovide transportation of arrestees to other facilities on behalf of another agency, but they shall notify a supervisor of their activity as soon as practicable.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

326.3.1 ASSISTING OUTSIDE AGENCIES - CANINES

The Marin County Sheriff's Office will provide canine/handler team service to neighboring police agencies when requested, provided assistance does not interfere with the duty priorities within the County of Marin.

The Task Force supervisor shall review and authorize requests for assistance received from neighboring police agencies.

The canine handler shall follow the policies and procedures of the Marin County Sheriff's Office when assisting outside agencies.

Outside assistance requests for canines shall be evaluated and granted in accordance with the Canines policy.

326.4 MUTUAL ASSISTANCE REQUESTS

If assistance is needed from a law enforcement agency within the County of Marin other than the Marin County Sheriff's Office, the member requesting assistance should notify the Communications Center who will facilitate the request. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive. The Communications Center will notify the supervisor of the request for mutual assistance.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

326.5 MUTUAL AID REQUESTS

Upon receiving a mutual aid request for resources required by an agency residing outside the County of Marin, the Communications Division will immediately contact the on-duty Watch Commander, or the on-call Watch Commander if no on-duty personnel are available. Information that should be provided to the Watch Commander includes the requesting agency's name, address, telephone number, contact person, type of mutual aid requested and the date, time, and location it is to be sent.

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The Watch Commander will contact the requesting agency's representative and obtain all relevant information pertaining to the request for mutual aid, which shall include, but not be limited to, the type of aid being requested, the location where responding units are to report, the urgency of that aid, the number of personnel required, the type and amount of equipment needed, the approximate duration of the requested aid, who the contact person will be upon arrival and the Cal EMA Mission Number that has been issued, if one has indeed been obtained.

Upon receiving the above information, the Watch Commander will notify his/her Bureau Commander. If the Bureau Commander is not available, the Undersheriff will be notified instead.

The Watch Commander will attempt to fill the mutual aid request by contacting all the various Marin County law enforcement agencies and determining what resources they are able to provide. The Watch Commander is then responsible for coordinating the strike team and/or task force that will be sent to the agency requesting aid.

A 211-LEICS Form shall be completed prior to leaving the County. The Watch Commander, or his/her specific designee, is responsible for identifying and tracking the personnel and type and condition of all equipment sent to, and returning from, a mutual aid event.

Should a Marin County law enforcement agency require mutual aid from outside the County due to a major event or declared emergency, the request for mutual aid must be made through a Sheriff's Office Watch Commander. The Watch Commander will first ensure all available local law enforcement resources have indeed been exhausted prior to accepting the request for mutual aid. Once accepted, the Watch Commander shall notify his/her Bureau Commander of the request for mutual aid, the type of resources being requested, and the nature of the event or declared emergency that has caused the need for mutual aid. If the Bureau Commander is not available, the Undersheriff will be notified instead.

All requests for mutual aid to the County of Marin are processed through the Alameda County Sheriff's Office, who acts as Cal EMA's Region II Law Enforcement Coordinator. Prior to calling, the Watch Commander should be prepared to provide the Coordinator with information related to the purpose of the request, the type of aid being requested, the estimated number of personnel and/or equipment needed, the length of time it will be committed, and the location of the staging area or event, whichever is applicable.

When requesting mutual aid resources, the Watch Commander should ask that a Cal EMA Mission Number be issued.

326.6 SEARCH AND RESCUE MUTUAL AID REQUESTS

Mutual aid requests to support the Marin County Sheriff's Office Search and Rescue Team (SAR) are processed differently than those requested to support a law enforcement event. Requests for SAR mutual aid are processed through the Sacramento Office of the California Office of Emergency Services, Law Enforcement Division. Either the Marin County Sheriff's Office Search and Rescue liaison or the Watch Commander may authorize a request for SAR mutual aid, but upon application for such assistance, the Field Services Bureau Commander will be notified.

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Upon contact with the SAR Mutual Aid Coordinator, the requesting deputy should be prepared to provide information related to the purpose of the request, the type of aid being requested, the estimated number of personnel and/or equipment needed, the length of time it will be committed and the location of the staging area or event.

When requesting Search and Rescue mutual aid resources, the Watch Commander shall ask that a Cal EMA Mission Number be issued.

326.7 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that require formal documentation and are not documented in a crime report shall be documented in an incident report or as directed by a supervisor.

326.8 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Bureau Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

    1. The use of the supplies and equipment.

    2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Marin County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex and arson offenders.

327.1.1 DEFINITIONS

Arson Registrant - Any person convicted in a court of law and required to register in accordance with Penal Code § 457.4.

Sex Registrant - Any person convicted in a court of law and required to register in accordance with Penal Code § 290 through 290.023.

Master File - A central repository maintained in the Investigations Division for sex and arson registrant documents, categorized by crime type.

Serious Sex Offender - A registrant whose crime of conviction is either a specified felony sex offense or misdemeanor child molestation. For example, an assault with the intent to commit specified sex offenses, rape, sodomy with a minor or by force, lewd and lascivious conduct with a child or dependent adult, oral copulation with a minor or by force, foreign object penetration, child molestation, kidnapping with intent to commit specified sex offenses, felony sexual battery, felony enticement of a child with purposes of prostitution and abduction of a child for purposes of prostitution.

High Risk Sex Offender - A serious sex offender who has committed a certain number and type of crimes including at least one violent sex crime or has been adjudicated as a Sexually Violent Predator.

Other Sex Offender – All sex registrants who do not meet the criteria of High Risk or Serious sex offenders. An example of an Other sex offender is a sex registrant who is a misdemeanant (except misdemeanor child molest per Penal Code § 647.6 and 288(c)) or a felon who is convicted of repeated indecent exposure, pornography and related offenses and spousal rape.

327.1.2 PROCEDURES

Procedures Manual: 327.1 REGISTRATION PROCEDURE - Click to view procedures

Procedures Manual: 327.2 MEGAN'S LAW PROCEDURE - Click to view procedures

327.2 POLICY

It is the policy of the Marin 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.

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327.3 REGISTRATION

The Investigations Division 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.

327.3.1 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.).

327.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Investigations Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Marin County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

327.5 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.

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Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Marin County Sheriff's Office's website. Information on sex registrants placed on the Marin 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).

327.5.1 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).

327.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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Major Incident Notification

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how, and to whom notification of major incidents should be made.

328.1.1 DEFINITIONS

Watch Commander – A Sheriff's Lieutenant assigned to the Patrol Division, designated as the command-officer-in-charge for the duration of his or her tour of duty. In the absence of those members of the Department who regularly exercise bureau level authority and responsibility over the Department, the Patrol Division Watch Commander shall be designated as the ranking authority of the Department. This authority is not limited to the Watch Commander's own Division, but shall include supervision responsibility for all personnel in the Department.

On Call Status – In the event that the Watch Commander is off-duty, he/she will assume an on-call status for contact in the event of emergencies or events that require notification (Refer to Notification Procedures below).

328.1.2 PROCEDURES

There are no procedures associated with this policy.

328.2 POLICY

It is the policy of the Marin County Sheriff's Office (MCSO) to promote good communication between the supervisory and management levels to ensure efficiency and good order.

328.3 NOTIFICATION PROCEDURES

The Watch Commander shall notify the Communications Center of his/her status and designation at the beginning of the duty shift. In the event the Watch Commander is on-call, it shall be so noted by the Communications Center. The Communications Center supervisor will assure there is both a cell phone and home telephone number available to make contact. It is the responsibility of the Division supervisor of the effected Division to make any necessary Watch Commander notifications when an event occurs.

The Division supervisor will notify the Watch Commander in all of the following situations. Notification will occur regardless of the time of day, and will be made by any means available.

(a) Requests of mutual aid involving Sheriff's personnel, or such requests that require an MCSO coordination of a mutual aid response.

(b) Use of the Marin County Road Block Plan (i.e. Code 777) for an MCSO event.

(c) Injuries received by a member or employee of this Department that requires medical attention beyond a medical check out.

(d) Officer-involved shootings (MCSO or other Marin County Jurisdiction) other than the dispatch of an animal.

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(e) Any homicide or major injury incident within MCSO jurisdiction, or in any other jurisdiction that involves MCSO personnel.

(f) Incidents that result in serious injury (hospitalization) of the victim, or suspicious death cases in MCSO jurisdiction.

(g) Barricaded suspects or hostage situations (MCSO or other Marin County Jurisdiction).

(h) Situations involving bombs or bomb threats in MCSO jurisdiction.

(i) Reports of immediate or imminent terrorist activity in Marin County.

(j) Aircrafts accidents in Marin County.

(k) Impending disaster affecting Marin County.

(l) Search or rescue calls that require the callout of SAR or any off-duty resources.

(m) Citizens' complaints against Sheriff's personnel which are serious or could constitute criminal conduct.

(n) The arrest of MCSO personnel.

(o) Emergency or law enforcement action taken by off–duty personnel.

(p) Any incidents that would cause a serious media interest and would prompt the need for a media release, or call-out of the Public Information Officer.

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Death Investigation

329.1 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.

329.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

See attachment: Marin County LE and Coroner MOU.pdf

329.2 POLICY

It shall be the policy of this department to conduct competent and lawful investigations of all deaths reported to the Marin County Sheriff-Coroner's Office meeting National Institute of Justice and National Association of Medical Examiners (NAME) standards.

It shall be the responsibility of the Coroner Division to determine the cause and manner of death for all fatalities resulting from trauma (i.e. homicides, suicides, and accidents), suspicious deaths as defined in Government Code § 27491, and Health and Safety Code § 102850 deaths due to suspected "therapeutic misadventure", unexpected natural deaths, or deaths due to natural causes in which a treating physician is unable to provide a cause of death.

Causes of death may be determined by the following means:

- A full post-mortem examination by a forensic pathologist;
- A partial post-mortem examination by a forensic pathologist;
- An external physical examination by a forensic pathologist;
- A review of both medical records and the Death Investigation Report by a forensic pathologist;
- A review of the Report of Death by a forensic pathologist;
- Certification of a cause of death provided by a patient's primary, attending, or treating physician, to a Coroner Investigator.

329.3 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, conflagration, etc.) to complete death pronouncement. A supervisor shall be notified in all death investigations.

Deputies investigating deaths suspected to be non-criminal in nature and falling under the jurisdiction of the Coroner (Government Code § 27491) shall determine if the death occurred within unincorporated or incorporated area of the County of Marin to determine primary responsibility for general law enforcement investigation.

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329.3.1 INITIAL INVESTIGATION

To conduct competent and lawful death investigations, all deaths shall be treated as homicides and access to the scene shall be limited to personnel involved with the investigation until determined otherwise. Personnel conducting death investigations need to evaluate the circumstances of the death to make a preliminary determination as to whether the death appears or is suspected to be criminal, non-criminal, or suspicious in nature.

329.3.2 SUPERVISOR RESPONSIBILITIES

When investigating deaths suspected to be a result of criminal conduct or deaths that are suspicious in nature, the patrol sergeant shall respond to the scene. Upon arrival at the scene, the patrol sergeant shall take control of the scene and direct the investigation until or unless relieved by personnel from the Investigations Division or Watch Commander. Personnel from the Coroner Division shall not access the scene until authorized by the Investigations Division, Watch Commander or Patrol Sergeant.

While determining when to allow Coroner Division access to the scene the Investigations Division, Watch Commander or Patrol Sergeant shall keep in mind that scene integrity is critical. However, the Patrol and/or Investigations Division should work collaboratively with the Coroner Division to provide the best level of service and outcome. Physiologic changes occur rapidly and if not properly documented or noted timely, the investigation may be impacted. Coroner Investigator access to the decedent may be necessary to record detailed information and facts, without disrupting the body or scene evidence.Pursuant to Government Code § 27491.2, the coroner investigator has immediate access to the body without the need for a warrant.

When investigating deaths within the unincorporated areas of the County of Marin that are suspected to be non-criminal in nature, the Patrol Sergeant shall determine if their response to the scene is required based on the known circumstances of the death.

329.3.3 DEATH INVESTIGATION REPORTING

All general law enforcement death investigations, occurring outside hospital facilities, shall be thoroughly documented with an incident report. At the conclusion of the general law enforcement investigation, a coroner death investigation will be conducted. The coroner death investigation shall be completed by personnel from the Coroner or Patrol Divisions based on the circumstances of the death. If the Coroner Division claims jurisdiction for the human remains, then the coroner death investigation shall be thoroughly documented with an incident report.

329.3.4 CORONER REQUEST

Government Code § 27491 and Health and 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. This also includes all deaths outside hospitals and nursing care facilities.)

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(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) Deaths where the physician is unable to state the cause of death. Unwillingness does not apply. This 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 (including suicide where the deceased has a history of being victimized by domestic violence)

(f) Deaths involving any criminal action or suspicion of a criminal act. This includes child and dependent adult negligence and abuse.

(g) Deaths related to or following known or suspected self-induced or criminal abortion

(h) Deaths associated with a known or alleged rape or crime against nature

(i) Deaths following an accident or injury (primary or contributory). This includes deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Deaths from drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation, or aspiration

(k) Deaths from accidental poisoning (e.g., food, chemical, drug, therapeutic agents)

(l) Deaths from occupational diseases or occupational hazards

(m) Deaths from known or suspected contagious disease and constituting a public hazard

(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room, or elsewhere

(o) Deaths that occur in prison or while under sentence. This 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. This includes patients that are 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.

329.3.5 SEARCHING DEAD BODIES

(a) The Coroner or deputy coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that a deputy is permitted to search the body of a person

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killed in a traffic collision for the limited purpose of locating an anatomical donor card. If such a donor card is located, the Coroner or a designee shall be promptly notified (Government Code § 27491.3).

(b) The Coroner may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (Government Code § 27491.3).

(c) Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Coroner or a designee, the investigating deputy shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

(d) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report.

(e) Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, when practicable and possible, photographic images are to be taken and a receipt shall be obtained. This receipt shall be attached to the death report.

329.3.6 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner Division will issue a “John Doe" or "Jane Doe” number for the report. Identifying biometric information, distinguishing scars, marks, tattoos and a detailed clothing description will be recorded within the death investigation report to assist in the positive identification of the subject.

329.3.7 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene. The Investigations Division shall be notified to determine the possible need for a detective to respond to the scene.

If the death appears suspicious or is anticipated to have been caused at the hand of another, then the case shall be handled following homicide protocol.

The criminal investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

329.3.8 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to a death, serious illness, or serious injury and determines that it 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)).

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329.3.9 DEATHS OF VICTIMS WITH AN IDENTIFIABLE HISTORY OF VICTIMIZED DOMESTIC VIOLENCE

Prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence, investigating deputies should consider factors identified in Penal Code § 679.07 (e.g., premature or untimely death, partner wanting to end relationship, scene gives appearance of death due to suicide or accident) and proceed with the investigation according to the code's requirements.

329.4 ALLIED AGENCY DEATH INVESTIGATIONS

Allied law enforcement agencies from incorporated areas of the County of Marin will request the Sheriff- Coroner’s Office to conduct coroner death investigations after they have concluded their general law enforcement investigation. When evaluating the circumstances of the death, the investigation may be conducted by personnel assigned to either the Patrol Division or Coroner Division. The Patrol Sergeant is not required to respond to the scene of coroner death investigations being conducted by Patrol Division personnel in incorporated areas of the County of Marin. If the Sheriff-Coroner Division assumes jurisdiction for human remains, then the coroner death investigation shall be thoroughly documented with an incident report.

329.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

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Identity Theft

330.1 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.

330.1.1 PROCEDURES

There are no procedures associated with this policy.

330.2 REPORTING

(a) In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:

1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting deputy should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and department 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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ADA Compliance

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Marin County Sheriff's Office services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

331.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Sheriff to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Marin County Sheriff's Office and to facilitate effective communication. 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; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

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, transliterators, sign language interpreters, and intermediary interpreters.

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331.2 POLICY

It is the policy of the Marin County Sheriff's Office that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

331.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

(a) Collaborating with the County ADA coordinator regarding the Marin County Sheriff's Office's efforts to provide equal access to services, programs, and activities.

1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).

(b) Collaborating with the County ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:

1. Inspection of current department facilities to identify access issues.
2. Review of current department services, activities, and programs for access issues.
3. Assessment and update, if necessary, of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.

(c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.

(d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.

1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.

(e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.

(f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

(g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets

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describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).

(h) Collaborating with other [city/county] departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

(i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).

(j) Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.

(k) Recommending amendments to this policy as needed.

331.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

331.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

(a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

1. A substantial alteration of the service, program, or activity.
2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.

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3. A threat to or the destruction of the historic significance of a historic property.
4. A direct threat to the health or safety of others (28 CFR 35.139).

(b) If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.

(c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
2. Utilizing technology, equipment, rolling stock, or other conveyances.
3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
4. Any other means or methods that would make services, programs, or activities readily accessible.

(d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

331.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

331.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

331.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should 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 may be 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.

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In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include 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. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

331.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

331.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

331.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time.

(b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.

(c) Familiar with the use of text- and video-based communications products and systems.

(d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

(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.

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Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

331.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

331.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

331.5.6 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 interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

331.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be

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considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

331.5.8 WITNESS OR VICTIM INTERVIEWS
Members who interview a witness or victim who demonstrates or states they are deaf or have a hearing loss shall make a good faith effort to secure the services of an interpreter without any unnecessary delay, unless the individual affirmatively indicates they do not need or cannot use an interpreter (Evidence Code § 754).

331.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.7 ARREST

If an individual with a communication-related disability is arrested, the arresting deputy shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the deputy reasonably determines another effective method of communication exists under the circumstances.

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.

331.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

331.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

(a) The type of modification, assistive device, auxiliary aid, or service provided.

(b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.

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(c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

331.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

331.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

(a) Awareness and understanding of this policy, related procedures, forms, and available resources.

(b) Procedures for handling requests for modifications.

(c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.

(d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Manager should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

331.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. 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 calls using TTY, TDD, or other voice, text, and video-based communications products and systems.

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(d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all the Communications Center members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

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Private Persons Arrests

332.1 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.

332.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: Consent Waiver Form.pdf

332.2 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.

332.3 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.

332.4 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.

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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.
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

332.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign the Private Person's Arrest section of the department Consent/Waiver form under penalty of perjury.

In addition to the Consent Waiver 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

333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

333.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Marin County Sheriff's Office, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

333.1.2 PROCEDURES

There are no procedures associated with this policy.

333.2 POLICY

It is the policy of the Marin County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

333.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which

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measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

333.4 TYPES OF LEP ASSISTANCE AVAILABLE

Marin County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

333.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The Department will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

333.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

333.7 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the

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non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

333.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the County of Marin Department of Human Resources.

333.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services in the performance of their duties as necessary.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

333.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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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.

333.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

333.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Marin 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.

333.10.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller’s language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

333.11 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.

333.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual’s bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

333.13 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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333.14 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.

333.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

333.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

333.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

333.17.1 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

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understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

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Mandatory Employer Notification

334.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a known public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

334.1.1 PROCEDURES

There are no procedures associated with this policy.

334.2 POLICY

The Marin County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

334.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Sheriff or his/her designee is required to report the arrest as follows.

334.3.1 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 his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

334.3.2 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 his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

334.3.3 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 his/her designee is mandated to immediately

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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).

334.3.4 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).

334.4 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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Chaplains

335.1 PURPOSE AND SCOPE

The Sheriff's Chaplain Program is designed to provide spiritual guidance and counseling to all Sheriff's Office personnel and their families, upon request. In addition, Chaplains will assist the Sheriff's Office and the people of the community through a field service ministry.

The approach of the chaplains shall be relational, seeking to know and understand the needs of Sheriff's Office personnel. They shall focus on being available to listen and meet needs as appropriate.

335.1.1 PROCEDURES

There are no procedures associated with this policy.

335.2 POLICY

It is the policy of the Marin County Sheriff's Office to provide as many resources as possible so deputies are better equipped to do their jobs.

The establishment of the Chaplain Program will provide non-denominational spiritual support to MCSO personnel and/or Marin County residents.

335.3 ELIGIBILITY

Chaplains shall possess the following qualifications:

(a) Chaplains shall be ordained or licensed members of the clergy of a recognized church or synagogue.

(b) Chaplains will always seek to be a representative of God's leadership.

(c) Chaplains shall exhibit and maintain high spiritual and moral standards.

(d) Chaplains shall demonstrate a desire and ability to manifest compassion, acceptance, understanding and love of others.

(e) Chaplains shall be in agreement with the purpose and philosophy of the Sheriff's Chaplain Program.

(f) Chaplains shall accept and cooperate with the regulations and procedures of the Sheriff's Office and the Sheriff's Chaplin Program.

(g) Chaplains shall indicate a willingness to be involved in training that will enhance his/her effectiveness.

(h) Chaplains may be required to possess a valid California Driver's License.

(i) Chaplains may be required to submit to a personal background investigation.

(j) Chaplains shall meet certification requirements to become a member of the International Conference of Police Chaplains.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

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335.4 RECRUITMENT, SELECTION AND APPOINTMENT

If chaplains are to function successfully within the Sheriff's Office, it is vital they be selected with care and that consideration be given to the particular needs of the Sheriff's Office.

(a) All applicants shall be required to complete an Application for Chaplain Program form with the Sheriff. The Sheriff or his/her designee, together with the senior chaplain, shall review all applications and interviews of perspective applicants. Upon approval, the chaplain shall be appointed by, and serve under the supervision of the Sheriff or his/her designee.

(b) The chaplain will also complete the required liability waiver form.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

335.5 IDENTIFICATION AND UNIFORMS

Chaplains will be issued a Sheriff's Office photo identification card. Each card will read, "Marin County Sheriff's Office Chaplain." This card is to be carried at all times and worn when any chaplain is on duty.

For the purpose of high visibility identification, chaplains shall wear a clerical collar if applicable to his/her denomination when participating in field service ministries. The Department will provide all chaplains a jacket which identifies them as a Sheriff's Chaplain.

335.6 CHAPLAIN COORDINATOR

The Sheriff will delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Bureau Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee may include, but are not limited to:

(a) Recruiting, selecting, and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain call-out roster.

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(d) Maintaining records for each chaplain.

(e) Evaluating the contribution of chaplains.

(f) Completing and disseminating, as appropriate, all necessary paperwork and information.

(g) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

335.7 DUTIES AND RESPONSIBILITIES

335.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

335.7.2 SERVICES OF THE CHAPLAIN

Chaplains may offer the following services:

(a) Chaplains can offer personal and family counseling to Sheriff's Office personnel and their families upon request. Such counseling will be kept private and confidential.

(b) Chaplains will be available to conduct wedding and funeral services for Sheriff's Office personnel and their families.

(c) Chaplains will be available to conduct hospital visitation for Sheriff's Office personnel and their families.

(d) Chaplains can provide ministerial presence at Sheriff's Office functions and be willing to offer the invocation or benediction.

(e) Chaplains, by virtue of their office and presence, can be peacemakers in volatile situations (i.e., a domestic disturbance, suicide attempts, hostage situations and negotiations, etc.).

(f) Chaplains are able to use their specific ability in relating news with empathy, dignity, and sympathy (i.e., death notifications and serious injury accidents, etc.).

(g) Chaplains possess the potential to create a natural rapport with people; therefore, the chaplains may be available for counseling rape victims, drug abuse, child abuse, crisis intervention, runaway juveniles, battered wives, etc.

(h) Chaplains shall be available to perform other duties not covered in the above, as designated by the Sheriff, and based upon the availability of the chaplains, realizing that the chaplain's first responsibility is to his or her own congregation.

335.7.3 DUTIES AND RESPONSIBILITIES

Chaplains shall have the following duties and responsibilities:

(a) Chaplains are not law enforcement officers. They shall assist the deputies only and be under their supervision at all times.

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(b) Should a chaplain conduct any field ministry follow-up, he/she shall serve as a minister, not as a representative of Sheriff's Office.

(c) Chaplains shall not release information to the news media, insurance agencies, etc.

(d) Chaplains, upon performing any Sheriff's Office function, shall complete a Chaplain Activity Log and forward it to the Chaplain Coordinator.

(e) Should an individual specifically take any chaplain into his or her confidence, that chaplain has the right to keep such information confidential. However, should a chaplain be told something, not having been taken into a person's confidence, and should the information be helpful or involve the safety of Sheriff's Office personnel, the chaplain shall share such information.

(f) Chaplains will periodically meet with the Sheriff to examine ideas and ways to maximize effectiveness of the program.

(g) Chaplains shall not, in any way, attempt to replace the personal clergy of any Sheriff's Office personnel, but may attempt to work with them.

(h) Chaplains may be asked to notify the involved person's clergy in cases of death or serious injury, or at the specific request of Sheriff's Office personnel.

(i) Chaplains will be required to log a minimum of eight hours per month participating in the Chaplain Program. This will be documented on a Chaplain Log and forwarded to the coordinator.

(j) Chaplains will be required to periodically be on call.

(k) Chaplains should attempt to ride along with deputies for four hours each month.

335.7.4 REQUEST FOR CHAPLAIN SERVICES

Chaplains may be requested in the following manner:

(a) A chaplain is always on-call. The on-call chaplain may be contacted by the Communications Center or directly by the department member.

(b) Chaplains live or have churches in or near the four patrol areas. As such, a chaplain may be called out based on proximity to the call. Chaplains may also be called out based on the need for a chaplain from a particular denomination. The Communications Center maintains a list of chaplains by patrol area.

(c) If individual members have close working relationships with certain chaplains, the department member may call a certain chaplain directly, if that chaplain agrees with that procedure.

(d) If a member is uncertain if a chaplain should be requested, the member should contact his/her supervisor or the Watch Commander.

(e) Chaplains may be called upon for personal or family matters. Personnel may call upon any chaplain without notice to other Sheriff's Office members.

335.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Marin County Sheriff's Office in any capacity other than that of chaplain.

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Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient, and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Marin County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

335.9 TRAINING

Chaplains shall receive the following training:

(a) Following their appointment, chaplains shall be given a tour of all Sheriff’s Office facilities.

(b) Chaplains will receive information on the organizational structure of the Sheriff’s Office.

(c) Chaplains will secure from the Sheriff the appropriate procedure manual to be read and studied.

(d) Chaplains will attend appropriate training classes, which will help them in their field ministry.

335.10 AUTHORITY

Any chaplain, under this program, is not a law enforcement officer, but a person of God and an approved and experienced representative of their ministry. His or her responsibility is to assist any personnel, upon request, on matters within the chaplain’s professional realm. He or she shall not, in any way, interfere with Sheriff’s Office personnel in the performance of their duties.

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Child and Dependent Adult Safety

336.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

336.1.1 PROCEDURES

There are no procedures associated with this policy.

336.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Marin 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.

336.3 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

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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.

336.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

336.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any

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child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

336.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

336.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

336.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

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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.

336.5 TRAINING

The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

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Service Animals

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that 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 (ADA).

337.1.1 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; Civil Code § 54.1; 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)).

337.1.2 PROCEDURES

There are no procedures associated with this policy.

337.2 POLICY

It is the policy of the Marin County Sheriff's Office to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to a person authorized to train a service dog (Civil Code § 54.2).

337.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Marin County Sheriff's Office affords to all members of the public (28 CFR 35.136).

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.

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- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

337.4 INQUIRIES REGARDING SERVICE ANIMALS

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 disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

337.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

337.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor 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); 28 CFR 35.139).

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 access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

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337.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members 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 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

338.1 PURPOSE AND SCOPE

This policy provides guidelines for the recruitment, selection, screening, and use of volunteers for the various volunteer units within the Marin County Sheriff's Office.

Policies and procedures specific to the different volunteer units of the Department can be found in the Volunteer Services chapter of this manual.

338.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. Positions within the Department for which volunteers may serve include, but are not limited to:

- Chaplains
- Search and Rescue Team
- Air Patrol
- Mounted Posse
- Marine Patrol support
- Administrative support
- OES Administrative Support
- ACS RACES

338.1.2 PROCEDURES

There are no procedures associated with this policy.

338.2 POLICY

It is the policy of this department to use qualified volunteers for specified tasks and units within the Department in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel.

Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

338.3 VOLUNTEER MANAGEMENT

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338.3.1 VOLUNTEER COORDINATOR

Each volunteer unit of the Department shall have a coordinator/department liaison. The coordinator will be a member at the rank of lieutenant and will be appointed by the Sheriff. Such coordinators or their authorized designees 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 a record of volunteer schedules and work hours.

(f) Completion and dissemination as appropriate of all necessary documentation and information.

(g) Planning periodic recognition events.

(h) Administering discipline when warranted.

338.3.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

338.3.3 SCREENING

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Driving record and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(b) Employment history

(c) References

(d) Credit check

A polygraph exam or lie detection test may be required of each applicant depending on the type of assignment.

338.3.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the volunteer unit's coordinator or the authorized designee. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department.

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Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

338.3.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their volunteer unit's coordinator or the authorized designee.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

338.3.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

338.3.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

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Volunteers shall be required to return any issued uniform or department property at the termination of service.

338.4 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the supervision of the volunteer unit's coordinator.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. The 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.

338.5 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 department 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 department policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department when applicable to that volunteer's assignment. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

338.6 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be carried at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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338.6.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

338.7 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the volunteer unit's coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

338.7.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer’s suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

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Off-Duty Law Enforcement Actions

339.1 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 Marin County Sheriff's Office with respect to taking law enforcement action while off-duty.

339.1.1 PROCEDURES

There are no procedures associated with this policy.

339.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

339.3 FIREARMS

Deputies of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty deputies shall also carry their department-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely, or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the deputy’s senses or judgment.

339.4 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.

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(b) The inability to communicate with responding units.

(c) The lack of equipment, such as firearm, handcuffs, OC or baton.

(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 peace officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

339.4.1 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 him/herself as an Marin County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

339.4.2 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.

339.4.3 NON-SWORN STAFF RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

339.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

339.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the on-duty patrol supervisor as soon as practicable. The on-duty patrol supervisor shall determine whether a report should be filed by the employee. The on-duty supervisor will make notification to the watch commander as appropriate.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Gun Violence Restraining Orders

340.1 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).

340.1.1 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).

340.1.2 PROCEDURES

There are no procedures associated with this policy.

340.2 POLICY

It is the policy of the Marin County Sheriff's Office to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

340.3 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).

340.3.1 ADDITIONAL CONSIDERATIONS

Deputies should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

(a) When responding to a domestic disturbance where the residence that is associated with a firearm registration or record.

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(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns, possesses, or expresses an intent to acquire a firearm.

(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions, if that person owns or possesses a firearm.

Deputies should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themself or another person by having custody or control of a firearm or expresses intent to obtain a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

340.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

A deputy serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Communications Center and the Documentary Services Division for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The deputy should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

340.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

A deputy requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

(a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.

(b) Serve the order on the restrained person if the person can be reasonably located.

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(c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

340.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The deputy serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the deputy shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner’s presence.

340.6 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by a deputy or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by a deputy, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).

(d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

(e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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340.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

(a) Record the individual's name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

340.8 STORAGE AND RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be stored in accordance with the Property and Evidence Policy.

Firearms and ammunition shall be returned to the restrained person upon the expiration of the order in accordance with Penal Code § 18120 and the Property and Evidence Policy (Penal Code § 18108).

340.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Sheriff will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):

1. A temporary emergency gun violence restraining order.
2. An ex parte gun violence restraining order.
3. A gun violence restraining order issued after notice and hearing.
4. Renewal orders.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including (Penal Code § 18108; Penal Code § 18155):

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.

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6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
2. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.
3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order (Penal Code § 18108).

(d) Coordinating with the Training Manager to provide deputies who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate deputy of the hearing date and the responsibility to appear and participate in the evidence presentation process (Penal Code § 18108).

(h) Coordinating with the Training Manager to ensure deputies remain current with the following (Penal Code § 18108):

1. Types of evidence a court considers when determining whether grounds exist for the issuance of a gun violence restraining order as provided in Penal Code § 18155 (Grounds for gun violence restraining order; examination by court).

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2. The different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders that are available to law enforcement petitioners.

(i) Establishing standards and procedures for addressing violations of a gun violence restraining order (Penal Code § 18108).

(j) Establishing procedures for deputies to provide information about mental health referral services during contact with persons exhibiting mental health issues (Penal Code § 18108).

340.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigations Division supervisor is responsible for the review of a gun violence restraining order (including temporary or ex parte orders) obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

340.11 POLICY AVAILABILITY

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

340.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

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Native American Graves Protection and Repatriation

341.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

341.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

341.1.2 PROCEDURES

There are no procedures associated with this policy.

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341.2 POLICY

It is the policy of the Marin County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

341.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

341.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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Community Relations

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

342.1.1 PROCEDURES

There are no procedures associated with this policy.

342.2 POLICY

It is the policy of the Marin County Sheriff's Office to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

342.3 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

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342.4 LIEUTENANT RESPONSIBILITIES

Lieutenants serving as Watch Commanders and/or Station Commanders should serve as the primary point of contact for community relations issues in their respective areas. Lieutenants are responsible for:

(a) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(b) Organizing surveys to measure the condition of the department's relationship with the community.

(c) Working with community groups, department members and other community resources to:

  (a) Identify and solve public safety problems within the community.

  (b) Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(d) Working with the Patrol Bureau Commander to develop patrol deployment plans that allow deputies the time to participate in community engagement and problem-solving activities.

(e) Recognizing department and community members for exceptional work or performance in community relations efforts.

(f) Attending County Board of Supervisors and other community meetings to obtain information on community relations needs.

(g) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(h) Informing the Sheriff and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

342.5 INFORMATION SHARING

Lieutenants serving as Watch Commanders and/or Station Commanders should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

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342.6 LAW ENFORCEMENT OPERATIONS EDUCATION

The Sheriff or his/her designee should develop methods to educate community members on general law enforcement operations so they may understand the work that deputies do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Scenario/Simulation exercises with community member participation.

(f) Youth internships at the Department.

(g) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

All requests for public appearances by department personnel before any group or organization for the purpose of presenting department information or knowledge of public interest in a lecture, speech, talk, demonstration or by other means, shall be referred to the Bureau Commander concerned.

342.7 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

342.8 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department’s operations. The reports should not contain the names of deputies, suspects or case numbers.

342.9 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

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(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Medical Aid Calls Involving Children

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the response to medical aid calls involving children.

343.1.1 REFERENCE

The Marin County Department of Children and Family Services has the responsibility of investigating abuse and neglect occurring in the home, furnishing placement of a child in an emergency shelter, filing petitions pursuant to Welfare and Institutions Code § 300 in juvenile court and child/family counseling.

A function of the Marin County Sheriff's Office is to provide for the protection of children, detect and investigate crime, apprehend criminal suspects and assist the Marin County District Attorney with the prosecution of offenders.

343.1.2 PROCEDURES

There are no procedures associated with this policy.

343.2 POLICY

It is the policy of the Marin County Sheriff's Office to investigate all incidents where a child requires an emergency medical response and to provide for the protection of the child, the detection of crime, the proper documentation and referral to appropriate child service agencies and the notification of parents.

343.3 RESPONSE AND INVESTIGATION

Each time an emergency medical aid call comes into Communications Center and the subject of the medical aid is determined to be a child under the age of six years a deputy will be dispatched. In cases in which the deputy is in a position to render life-saving assistance, the response shall be Code-3.

In all cases, the deputy will assess the situation and request any additional resources as may be appropriate (i.e. detectives, child welfare worker). All involved parties will be identified and their role in the incident identified. The deputy will conduct an inquiry as to the circumstances causing the child to require the medical response and make note of his/her observations of the scene, the child and the parent(s) or caregiver(s).

Special note will be made of any observed criminal activity, evidence of neglect, abuse, unsanitary conditions, drug use, immoral or obscene conduct and presence of known criminals.

343.3.1 NOTIFICATIONS

If it appears that the circumstances are suspicious and warrant further investigation, the deputy shall prepare an incident report and route it to the Investigations Division. A call may be placed to the Juvenile Division Sergeant in the Investigations Division or the on-call detective for advice if more immediate attention is necessary.

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If it appears that a crime has occurred, or that the child falls within the provisions of Welfare and Institutions Code § 300, the deputy shall take temporary custody of the child, cause any arrest to be made as appropriate or necessary and notify the Juvenile Division Sergeant or on-call detective.

The deputy should take special note that cases initially identified as SIDS deaths may possibly become homicide cases after the analysis of forensic and medical evidence. These cases may evolve differently than other unattended death cases, with the victim receiving resuscitation and transport even though signs of death are present. It is important that a premature assumption of SIDS be avoided during the initial investigation, causing a less thorough scene investigation that might otherwise occur.

In cases where the child requires life support measures and it is possible death will result, items of evidence in plain view can be seized during an emergency search of the scene (e.g. clothing or bedding that contain bodily fluids, bottles containing recently consumed baby formula, medications given to the child) or any other items that may perish or be easily destroyed before a search warrant could be obtained.

Deputies questioning parents or caregivers of children in these circumstances must exercise extreme tact and consideration while still obtaining complete information.

343.3.2 REPORTING

If it appears to the deputy that the child has been injured in an accidental and non-negligent manner, an incident report shall be prepared and submitted through normal channels.

If the deputy determines the request for medical aid resulted from a pre-existing illness and no accident or neglect was involved, no incident report is required, although nothing in this section precludes or discourages the deputy from initiating an incident report when the deputy determines documentation of the circumstances leading to the medical aid call would otherwise be beneficial.

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Identification Badge

344.1 PURPOSE AND SCOPE

This policy provides guidelines for the wearing of a department identification badge (hereafter referred to as identification badge) for sworn and non-sworn members, members who are on- and off-duty, and visitors.

344.1.1 PROCEDURES

There are no procedures associated with this policy.

344.2 POLICY

It shall be the policy of this department that all members wear their issued identification badge at all times while on the premises of all department facilities, whether on- or off-duty. Visitors entering secured areas of the Department are required to wear a visitor badge.

This policy is intended to provide for the safety and security of department members. Any member who deliberately or willfully violates this policy shall be subject to normal disciplinary action. Such violations shall include any deliberate negative or other inappropriate response to a supervisor’s request to comply with any of the provisions set forth in this policy.

344.3 IDENTIFICATION BADGE

Identification badges will be worn at all times. Identification badges are to be prominently displayed on the front of the person between the neck and above the hips and are to be worn clipped to a piece of outer clothing, or worn around the neck on a chain, necklace, or lanyard. Identification badges may also be worn attached to a person's belt as long as they are attached to the front of the person's body and are clearly visible. Identification badges shall not be defaced or altered (e.g. stickers, decals, etc.). Identification badges are to be worn so that the photo is clearly visible to others.

344.3.1 LOST OR FORGOTTEN IDENTIFICATION BADGE

If a member reports to work without his or her identification badge, the following procedures will be followed:

1. First occurrence: The member will be issued a temporary identification badge for that day.
2. Subsequent occurrences will be handled through the progressive discipline process. Members may be sent home to retrieve their identification badge, and the time will be charged as compensatory or leave without pay.

Each member is responsible for safeguarding his/her own identification badge. Any lost identification badge is to be reported immediately to his/her supervisor.

344.3.2 UNIFORMED PERSONNEL

Members in uniform are exempt from this policy. The assigned uniform will be sufficient in determining proper identification.

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Uniformed personnel will have complete access to the Department. Personnel not in uniform must display an identification badge in accordance with this policy in order to access department facilities.

344.4 VISITORS

A visitor to the front desk asking to see a member of the Department will be asked if they have a scheduled appointment. If so, the member they are to meet will be contacted and the visitor provided a visitor's pass. The member or their designee will meet the visitor in the lobby and escort them to the appropriate location.

344.5 EXCEPTIONS

Deputies assigned to the Marin County Major Crimes Task Force and Marin County Coordination Of Probation Unit (COPE) are exempt from the provisions of this policy.

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MERA Portable Radio Assignment Policy

345.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Marin Emergency Radio Authority (MERA) portable radios.

345.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

See attachment: MERA Portable Tracking Log.pdf

See attachment: MERA for MCSO.pdf

345.2 POLICY

It is the policy of the Marin County Sheriff's Office to provide portable radios to its deputies and designated members for routine and emergency communications. This policy defines how the radios will be assigned and establishes personal responsibility for radios under employee control.

345.3 MERA PORTABLE RADIOS

Every deputy will be assigned a MERA portable radio, two batteries, a radio holder, a radio charger, and a remote microphone. The portable radio will be programmed with an alias identifier that will electronically indicate the employee identifier to the MERA portable.

Designated employees will be assigned MERA portable radios for the duration of particular assignments (e.g. parking enforcement) and other positions that require radio communications. These radios may be assigned to the individual employee or to the position, as their respective division managers determine. The alias identifier will reflect the assignment identifier or some other standard identifier that is easily traceable to the radio operator.

Members who have been assigned MERA portable radios are responsible to complete the requisite training, use the equipment with care, ensure that the batteries are maintained in optimal condition, report problems with the equipment to the Marin County Radio Shop, and adhere to all department, MERA, and FCC policies and procedures on radio communications.

All members assigned a MERA portable radio, members who are responsible for a duty-radio, and members responsible for maintaining reserve or cache radios must properly care for the radio(s) as directed in the training program, including ensuring that batteries are fully charged and sufficient to operate the radio for the duration of their normal duty assignment.

345.3.1 INVENTORY CONTROL

The Professional Standards Unit is responsible for maintaining inventory control and periodically reporting to the Sheriff on the assignment of radios to department members. Each Division Commander is responsible for inventory control for cache equipment assigned to their division and stationary equipment such as control station radios.

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In cases where there are reserve or cache radios, an inventory tracking system must be maintained by that division to be able to identify who has checked out a radio and its peripheral equipment, the purpose, when it was checked out, and when it was returned. Refer to the link in the Procedures and Attachments section of this policy for a MERA Portable Radio Tracking Log.

345.3.2 ALIAS IDENTIFIER NOMENCLATURE
There are three parts to the alias identifier:

1. The prefix: The prefix will be either SO (Sheriff's Office) or TF (Task Force) depending on the assignment.
2. Radio types: There are two radio types: P for regular XTS portable radio or PE for encryption-capable XTS portable radio.
3. Unique identifier: A four-digit sworn employee identifier or division assignment followed by a unique number. Division assignment identifiers for spare or cache radios include the following:

- AIR - Air Patrol cache
- BOAT - Marine Patrol Unit
- CIV - Civil Division
- COMM - Communications Division cache
- CRT - Court Security cache
- INV - Investigations Division cache
- JAIL - Custody Division cache
- MCTF - Major Crimes Task Force cache (encrypted radios)
- OES - Emergency Services Division cache
- PAT - Patrol Division cache
- SAR - Search and Rescue cache
- SRT - Special Response Team cache
- WC - Watch Commander cache (encrypted radios)

Examples:

- SO-P-1418 - Deputy Sheriff Hunter
- SO-PE-1411 - Captain Navarro
- SO-P-1T36 - Civic Center Parking Enforcement Officer
- TF-PE-1456 - Lieutenant Hale
- SO-P-JAIL-97 - Reserve (spare) radio assigned to the Custody Division

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Involuntary Blood Draws

346.1 PURPOSE AND SCOPE

This policy provides guidelines for handling involuntary blood draws.

346.1.1 PROCEDURES

There are no procedures associated with this policy.

346.2 POLICY

It shall be the policy of this department to comply with all laws regulating the involuntary withdrawal of blood from a person who is in the custody of the Department and/or located within a department facility at the time the blood sample is drawn.

346.3 INVOLUNTARY BLOOD DRAWS

Several Federal Appellate Court cases control how blood may be involuntary withdrawn if no court order has first been obtained. These cases largely inform the manner in which an involuntary blood draw performed without a court order must be conducted. Those elements include:

1. The involuntary drawing of blood must be incident to an arrest.
2. There must be probable cause to believe that the subject is under the influence of whatever drug or alcoholic beverage the test is supposed to reveal.
3. Being under the influence of the drug or alcoholic beverage is relevant to the offense to be charged.
4. The withdrawal of blood must be done in a medically approved manner. This means it must be done by a licensed health care professional.
5. The force used to overcome the resistance to the blood being drawn must not be so "offensive to human dignity that it shocks the conscience of the Court."
6. Blood may not be involuntarily drawn if a urine sample would provide the necessary information and the subject agrees to provide the urine sample.

Department members will conduct an involuntary blood draw that is performed without benefit of a court order only when the following circumstances apply:

1. The subject from whom the blood will be taken has been arrested for a felony.
2. The involuntary blood draw has been approved by the arresting deputy’s supervisor or higher authority.
3. The involuntary blood draw has been approved by a deputy district attorney.
4. The involuntary blood draw is done in accordance with the federally established rules previously described in this policy.

In all other cases, a court order that authorizes an involuntary blood draw shall be obtained before the blood is drawn.

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346.3.1 COURT ORDERED BLOOD DRAWS

Blood draws done subsequent to the issuance of a court order shall be performed only in the presence of a Sheriff's Sergeant or higher authority to confirm the manner in which the sample is taken conforms to all the federally established rules previously described in this policy.

346.3.2 LOCATION OF INVOLUNTARY BLOOD DRAWS

Whenever practicable, involuntary blood draws involving persons arrested by this department performed prior to jail booking, whether with or without a court order, should be conducted at the Marin County Jail. In that case, a Jail Sergeant shall directly supervise the procedure to:

1. Ensure all involved deputies are aware of and adhere to the federally established rules previously described in this policy.
2. Advise the subject of the blood draw of his/her duty to provide a sample and to make an attempt to persuade that individual to submit that sample without resistance.
3. To ensure, whenever practicable, that a video and audio recording is made of all the interactions between the subject of the blood draw and the involved members.
4. Evaluate whether using force to obtain a blood sample is appropriate based on the totality of the circumstances encountered at the time the blood draw takes place.
    (a) In the event a court order has been obtained authorizing the taking of blood from a misdemeanor suspect, if that arrestee becomes violently resistive, no additional force will be used and the person's refusal to cooperate shall be noted in the report.
    (b) In the case of a felony charge, force that is objectively reasonable given the totality of the circumstances encountered at the time of the blood draw may be used to overcome the resistance being offered, but still shall not be so offensive to human dignity as to shock the conscience of the Court.
5. Ensure any force used to obtain a blood sample ceases immediately if the subject of the blood draw agrees to, and does submit to, his/her blood being drawn in a timely manner.
6. Make every effort to ensure that unless otherwise permitted or directed by a court order, any application of force used to obtain a blood sample is limited to handcuffing or similar restraint methods.

346.4 BLOOD DRAWS INVOLVING OTHER AGENCIES

A Jail Sergeant or higher authority may give an allied law enforcement agency conditional permission to conduct an involuntary blood draw at the Marin County Jail on an arrestee who has not yet been booked. That blood draw may be conducted with or without a court order, but a Jail Sergeant or higher authority shall directly supervise that procedure to:

1. Ensure all the allied agency's officers are aware of, and adhere to, each of the federally established rules previously described in this policy, and immediately terminate permission to continue the blood draw in the Marin County Jail if any of those rules are violated.
2. Ensure no department members assist in the involuntary blood draw.

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Should an allied law enforcement agency present a court order directing the Department to allow that agency to remove an inmate from the Marin County Jail so he/she may be taken to an outside facility for an involuntary blood draw, the Department will comply with that order, but will not supervise, assist, or be responsible for any action taken by that agency during the taking of that blood sample.

346.5 BUREAU COMMANDER NOTIFICATION

In any case where department members are involved in any action resulting in the involuntarily drawing of blood, those actions will be documented in a crime/incident report and a copy of that report will be submitted to the Detention Services Bureau Commander as soon as practicable.

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Use of Axon Capture for Digital Evidence

347.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of Axon Capture for digital evidence.

347.1.1 PROCEDURES

There are no procedures associated with this policy.

347.2 POLICY

It is the policy of the Department to provide a smart phone, or similar device, with the Axon Capture application installed on it to all sworn personnel assigned to the Field Services Bureau. The purpose of Axon Capture is to assist law enforcement personnel in the performance of their duties by obtaining digital documentary evidence for criminal investigations.

347.3 TRAINING

Deputies shall not use the Axon Capture application until they have been trained in its proper use and care. Deputies will be provided with a training manual for Axon Capture to learn how to operate the system.

Training will be documented in the deputy's Training File maintained by the Professional Standards Unit (PSU), and will consist of a review of the Axon Capture application, its functions, usage, and the types of incidents it should be used to document digital evidence. Additionally, deputies will be trained on applicable documentation procedures required to ensure that digital evidence is preserved and included with the appropriate arrest report, incident report, citation, etc.

347.4 USE OF AXON CAPTURE

Deputies assigned to the Field Services Bureau shall ensure their assigned smart phone is sufficiently charged prior to the beginning of his/her shift and is in good working order. If the phone or device is not in good working order, or malfunctions at any time during the deputy's shift, that fact will be reported to a supervisor and a functioning device shall be obtained as soon as practicable.

Deputies are not allowed to use the Axon Capture application on any personal devices to take photographic evidence in place of their department issued device. Although the Axon Capture application has the ability to record audio and video media, the Axon 2 body worn camera (BWC) will be the preferred means of recording video and audio media. Audio and video evidence may be captured using Axon Capture in the event the assigned BWC fails or if the situation calls for discretion that can be provided by using the department issued smart phone or device.

Digital evidence shall be captured according to the Axon Capture application user manual. This manual explains the process by which digital evidence is captured and subsequently uploaded into the department's cloud storage system maintained at Evidence.com.

347.5 PROHIBITED USE OF AXON CAPTURE AND DATA

The Axon Capture application shall not be used to record non-work related activity. Deputies are prohibited from making personal copies of digital evidence, including utilizing secondary/personal

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recording devices to create a duplicate recording. Deputies shall not duplicate or distribute digital evidence except for authorized official department business.

Photographs or recordings shall not be used by any member of the Department for the purpose of entertainment, embarrassment, intimidation, or ridicule.

Photographs or recordings shall not be accessed or released for any unauthorized purpose. Members are prohibited from accessing recorded data for personal use and from uploading recorded data onto public and social media Internet web sites, unless authorized to do so by a bureau commander or higher ranking official.

Deputies shall not remove, dismantle, or tamper with any hardware and/or software component of the issued smart phone or device, or the Axon Capture application.

347.6 DOCUMENTATION AND RETENTION OF DIGITAL EVIDENCE

Deputies shall document the existence of photographs or other digital evidence taken via the Axon Capture application in any report, on any citation (via a notation on the back of the citation), or in any other official record made of his/her activities.

Deputies using Axon Capture to document photographic evidence shall identify such photographs in Evidence.com using one of the categories described below. Deputies will enter the photographs into the Property tab of their ARS report as a separate item of evidence. If any other digital evidence is obtained and stored in Evidence.com, it will also be listed as a separate item of evidence in the Property tab of the ARS report.

When taking multiple photographs via the application, only the ID Number and Category are required to submit the photographs into Evidence.com. If a photograph needs a title it can be entered via Evidence.com.

Retention periods are established by the Sheriff in accordance with state and federal mandates.

The following categories are to be used to identify the nature of each photograph or series of photographs for each individual incident. Each category has a corresponding records retention schedule, so accurately categorizing each recording is required. Multiple categories can and should be used per photograph when applicable.

- **Accidental Activation** - Minimum retention period 60 days.
- **Citizens Complaint** - This category will be used by supervisors who are investigating a citizen complaint. This category should also be used by deputies or supervisors who believe the corresponding incident in which they were involved may result in a citizen complaint. Minimum retention period of five years.
- **Coroner** - This category will be used to document death cases investigated by patrol or other personnel on behalf of the Coroner's Division. Minimum retention period will be indefinite.
- **Court Ordered Sealing** - This category will be used by the Property and Evidence clerk or the investigating deputy when digital evidence has been ordered sealed by the court. Minimum retention period will be indefinite.

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- **Critical Incidents** - This category will be used in the event of a critical incident or an incident likely to hold significant interest for the Department or the public. Minimum retention period of three years.
- **DA Request** - This category will be used by the Evidence Control Technician when digital evidence has been requested by the District Attorney's Office to be used for prosecution. Minimum retention period will be indefinite.
- **Enforcement Contacts** - This category will be used anytime an enforcement contact has been made that did not result in an arrest or citation, including but not limited to traffic stops, bicycle stops and suspicious persons/pedestrian contacts. Minimum retention period 60 days.
- **Felony Arrest** - This category will be used any time a felony arrest takes place or a citation has been issued. Minimum retention period of three years.
- **Homicide** - This category will be used for any incidents involving a homicide. Minimum retention period will be indefinite.
- **Misdemeanor/Infraction Arrest or Citation** - This category will be used any time a misdemeanor arrest takes place or a citation has been issued. Minimum retention period of two years.
- **Missing Person** - This category will be used for any incidents involving a missing person. Minimum retention period will be indefinite.
- **Reports** - This category shall be selected for all reports that do not include an arrest or citation.
    - **Misdemeanor/Infraction Report** - Any misdemeanor or infraction report. Minimum retention period of two years.
    - **Felony Report** - Any felony report. Minimum retention period of three years.
- **Sex Report** - This category will be used in the event of any report regarding a sexual assault or similar offense. Minimum retention period indefinite.
- **Training** - This category may be selected by the user to document training recordings. Minimum retention period of two years.
- **Use of Force** - This category will be used anytime there is a use of force captured by the BWC. Minimum retention period of three years.

347.7 REVIEW OF PHOTOGRAPHIC OR DIGITAL EVIDENCE: GENERALLY

Although the data captured by Axon Capture is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner. All access to the system is automatically logged by the system and subject to audit at any time. Access to data contained within the system is permitted on a right to know/need to know basis only.

Deputies may review digital evidence maintained within the Evidence.com system only as authorized by this policy.

Once uploaded to the department's on-line media storage system, deputies may review their own photographic evidence at a department computer and/or other internet enabled device. Each

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access to the department's on-line media storage system automatically records the name and ID number of the member making access, as well as the time and date each access was made.

Digital evidence recordings may be viewed in any of the following situations:

- By the recording deputy who needs to review his/her own recordings for report preparation, to prepare for sworn testimony, or to prepare for an administrative investigation.
- By department personnel who are engaged in an official investigation.
- By a supervisor reviewing an incident; however, supervisors may not randomly access digital evidence for arbitrary or capricious purposes.
- In response to court orders, subpoenas, Public Records Act requests, etc., a deputy's digital evidence may be viewed by department members who have a legitimate law enforcement reason to review the digital evidence (e.g. Custodian of Records, BWC System Administrator, Command Staff, etc.).

347.8 RELEASE OF PHOTOGRAPHIC OR DIGITAL EVIDENCE

Digital recordings created using Axon Capture are presumed to constitute evidentiary records and may be released only under the following circumstances:

- **Law enforcement and allied agency requests** - Requests from a law enforcement agency, the District Attorney's Office, or the County Counsel's Office, for the release of digital evidence documented using the Axon Capture application shall be made in writing to the Property and Evidence clerk and shall include sufficient information to aid in locating the digital evidence. A decision to grant the request for release of the digital evidence shall be made in accordance with this policy and all other applicable Federal and State statutes or department policies and procedures.
- **Discovery requests** - Digital evidence requested by the District Attorney's Office to be used for prosecution shall be sent by the Property and Evidence clerk via the agency sharing process via Evidence.com. Once digital evidence has been requested, the Property and Evidence clerk will add the category "DA Request" to the evidence which will retain the evidence until such time that the Property and Evidence clerk receives notice from the District Attorney's Office that said evidence is no longer needed for prosecution. The Property and Evidence clerk will then remove the "DA Request" category from the evidence allowing the evidence to be deleted according to the pre--established retention schedule.

347.9 SUPERVISOR RESPONSIBILITIES

Supervisors will ensure deputies are using their issued smart phone or device, and the Axon Capture application in accordance with this policy, which can include periodic audits of digital evidence in furtherance of that objective.

347.10 ADMINISTRATOR RESPONSIBILITIES

The Axon Capture program is administered by a lieutenant who has been assigned that responsibility. The program administrator has oversight responsibilities that include, but are not limited to the following:

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- Overall operation of the system.
- User administration of the system.
- System evaluation.
- Training.
- Policy and procedure review and evaluation.
- Coordination with Technology Services Unit staff with regard to system related issues.
- Ensuring BWC recordings and photographs are secure and retained per this policy.
- Ensuring BWC recordings and photographs are reviewed, preserved, released, and/or deleted in accordance with Federal and State law, the County of Marin's records retention schedule, and this policy.

347.11 REPAIR PROCEDURE

Deputies shall immediately report any problems with a smart phone, device, or the Axon Capture application to their immediate supervisor. Upon notification, that supervisor shall contact the program administrator, advising him/her of the problem or malfunction and asking that the unit be replaced or repaired. A replacement or repaired unit will be provided by the program administrator as soon as practicable.

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Critical Incident Fatality

348.1 PURPOSE AND SCOPE

It is important that all deputies and coroner investigators are free from any emotional or mental condition which might adversely affect the exercise of their peace officer duties. It is the purpose of this policy to ensure that department members who are vested with peace officer powers remain fit for duty and able to perform their job after being involved in an enforcement related critical incident that results in the death of another. Ensuring a member's ability to continue performing their job is essential, whether the enforcement action resulting in the death of another occurred when the member was on- or off-duty.

348.1.1 PROCEDURES

There are no procedures associated with this policy.

348.2 POLICY

Any member whose actions, taken in an official capacity, result in the death of another will be temporarily removed from his/her regularly assigned duties by the Watch Commander, or by the member's Division Commander, and placed on paid administrative leave. This shall be done to ensure the well-being of the member and to allow for a timely investigation into the circumstances surrounding the death. The Sheriff will be promptly notified whenever any member has been removed from active duty subsequent to this type of event.

The types of critical incidents resulting in the death of or great bodily injury to another that may result in a member's temporary relief from duty include, but are not limited to:

- Vehicle accidents
- Officer involved shootings
- Any application of force

348.3 CHEMICAL TEST

Immediately after a critical incident fatality, or as soon as practical thereafter, the involved member(s) shall be ordered to provide a blood sample for alcohol and/or drug screening for any substances that could result in impairment. The Watch Commander or member's Division Commander will coordinate the collection of that blood sample by the on-call phlebotomist for the Marin County Jail. The sample will be tested for the presence of alcohol, opiates, cocaine, oxycodone, zolpidem, benzos, THC, soma, and methamphetamines, consistent with current DOJ impaired driver testing standards.

Absent consent from the member, the compelled sample and/or the results of any testing performed on that compelled sample, shall not be disclosed to any criminal investigation absent a court order requiring such disclosure be made. However, those results shall be provided to, and become a permanent part of any internal investigation initiated for the purpose of determining the

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appropriateness of the member's actions. In any such cases, the protective provisions of Penal Code § 832.7 shall then apply.

348.4 PSYCHOLOGICAL EXAMINATION

To ensure the member is not suffering from any emotional or mental condition that would warrant continued leave, the member shall undergo a comprehensive psychological examination, conducted by a licensed clinical psychologist chosen by the Department, to determine the member's psychological suitability to return to work. The Professional Standards Unit Lieutenant, or the authorized designee will schedule that examination. The date, time, and location of the examination will be provided to the involved member.

The interview with the psychologist is considered privileged and shall not be disclosed to the Department, except to the extent the member is, or is not fit for return to duty. However, if the member places his/her emotional or mental condition at issue in any subsequent or related administrative action/grievance, the examining psychologist may be required to disclose any and all information which is relevant to such proceedings (Civil Code § 56.10(c)(B)).

In order to facilitate the described examination, the Sheriff's Office will provide all appropriate documents and available information to assist the treating psychologist in his/her evaluation and/or treatment of the member.

Any reports received from the treating psychologist shall become part of the member's confidential medical file.

Any member ordered to receive a psychological examination in order to determine their suitability to return to work shall comply with the terms of the order and cooperate fully with the examining psychologist regarding any clinical interview, tests administered, or other procedures as directed.

Once a member has been deemed fit for duty by the examining psychologist, the member will be notified to resume his/her duties as soon as practical, unless other circumstances suggest additional paid administrative leave is necessary and/or appropriate.

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Generative Artificial Intelligence Use

349.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy.

349.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

349.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Marin County Sheriff's Office.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

349.3 RESPONSIBILITIES

349.3.1 SHERIFF

The Sheriff or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

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349.4 USE OF GENERATIVE AI

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

(a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.

(b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).

(c) Include a statement in the final document or work product that GenAI was used to aid in its production.

349.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

349.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Sheriff or the authorized designee for the intended use.

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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.

400.1.1 PROCEDURES

There are no procedures associated with this policy.

400.2 POLICY

The Marin County Sheriff's Office provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Marin. 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 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 Department 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 department 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.

Deputies should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Marin County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

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).

401.1.2 PROCEDURES

There are no procedures associated with this policy.

401.2 POLICY

The Marin County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

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(a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, a deputy conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple deputies conduct a stop, the deputy with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Marin County Sheriff's Office is the primary agency, the Marin County Sheriff's Office deputy shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the deputy's shift or as soon as practicable (11 CCR 999.227).

401.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

A deputy conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the deputy reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Deputies shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

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401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved deputy and their supervisor in a timely manner.

    1. Supervisors should document these discussions in the prescribed manner.

(b) Supervisors should periodically review body camera audio/visual recordings, Mobile Data Terminal (MDT) data, and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards 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 Documentary Services Division 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).

401.7 ADMINISTRATION

Each year, the Patrol Bureau Commander should review the efforts of the Department to provide fair and objective policing.

401.8 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.

401.8.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Training Section.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

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(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial 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)).

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Briefing Training

402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however deputies may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, calls for service, and major investigations

(b) Notifying deputies of changes in schedules and assignments

(c) Notifying deputies of new Interim Directives or changes in Interim Directives

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

402.1.1 PROCEDURES

There are no procedures associated with this policy.

402.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his or her absence or for training purposes.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: MCSO Major Incident Access Log.pdf

403.2 POLICY

It is the policy of the Marin County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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403.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

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Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

The Ride-Along Program is designed to help interested persons to better understand the functions of a patrol deputy and the types of duties they perform. It is further hoped that it will establish lines of communication and encourage mutual efforts toward crime prevention programs within Marin County.

Prospective employees of the Sheriff's Office should be encouraged to participate in this program to acquaint themselves with the department. Citizens of Marin County should also be encouraged to participate in the Ride-Along Program.

405.1.1 PROCEDURES

There are no procedures associated with this policy.

405.1.2 ELIGIBILITY

The Marin 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 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

405.1.3 AVAILABILITY

A ride-along may be scheduled on any day of the week and any shift. The ride-along will be limited to four hours unless there has been prior approval by the Duty Sergeant in which case the ride-along may last up to eight hours.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Sergeant. As soon as practicable, the Patrol Sergeant will notify the Watch Commander that there will be an observer riding along.

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. Upon Completion

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of the ride-along, the form will be forwarded to the Professional Standards Unit for filing. The Patrol Sergeant shall be responsible for determining that a completed waiver is properly signed, witnessed and submitted prior to allowing a ride-along to enter the assigned patrol car.

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Watch Commander.

Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for sheriff's cadets are covered in the Sheriff's Cadets Policy.

The minimum age for ride-alongs is 16 years of age. Those between 16 and 18 years of age must have the waiver signed by a parent or guardian and a member of the Sheriff’s Office must witness the signature. Ride-alongs 18 years of age or older shall be required to sign and submit a ride-along waiver.

405.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

If the ride-along is an active, full time peace officer with another agency, he/she may carry a firearm only with the approval of the Watch Commander.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Marin County Sheriff's Office).

405.3 DEPUTY’S RESPONSIBILITY

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the

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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 deputy should let the ride-along observe as much activity as possible and should not restrict the ride-along to the confines of the patrol car unless the deputy feels there will be some danger or that the ride-along may interfere with the investigation. The ride-along's safety shall always be of primary concern.

Deputies participating in this program shall respond to calls in an extremely safe manner and while en route shall attempt to brief the ride-along as to what information they are hearing on the patrol car radio. The deputy shall explain the call and the basic reason why the procedures are being applied. The deputy shall also instruct the ride-along as to where he or she shall sit or stand upon arrival at the scene of the call and during the deputy's handling of the call.

405.4 CONTROL OF RIDE-ALONG

The assigned deputy shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the deputy

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment

(c) The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy’s duties

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person

(g) The ride-along should carry enough money to use public transportation or the telephone should it become necessary to be dropped somewhere. The ride-along should have someone available to call for transportation, if needed.

(h) The ride-along shall be issued a department clip-on badge on which shall be printed the word, "OBSERVER." The badge shall be worn in view on the outer garment during the time spent on the ride-along.

(i) There will be no weapons of any nature carried by any ride-along, except active, full time peace officers with the approval of the Watch Commander.

(j) No cameras, tape recorders or digital recording devices are allowed without permission from the Patrol Bureau Commander.

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If the ride-along displays an adverse attitude during the ride, the deputy may terminate the ride-along. The deputy will advise the Patrol Sergeant and write a memorandum detailing the problem. The memorandum will be attached to the ride-along waiver form and will be filed with the Documentary Services Division.

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Crisis Intervention Incidents

409.1 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.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

409.1.2 PROCEDURES

There are no procedures associated with this policy.

409.2 POLICY

The Marin County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

409.3 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

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(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.

409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Bureau Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

409.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

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(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.

409.6 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.

409.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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409.8 SUPERVISOR RESPONSIBILITIES

A supervisor should be aware of any interaction with a person in crisis and respond to the scene if needed. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) When appropriate, conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Bureau Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

409.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

409.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

409.10 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS

Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching and records requests.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the

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person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

409.11 EVALUATION

The Bureau Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

409.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

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Mental Illness Commitments

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may take a person into custody for psychiatric evaluation and treatment (Welfare and Institutions Code § 5150).

410.1.1 PROCEDURES AND ATTACHMENTS

Procedures Manual: 410.1 MENTALLY ILL COMMITMENT PROCEDURES - Click to view procedures

Click the following link for: 5150 WI Form.pdf

410.2 POLICY

It is the policy of the Marin County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

410.3 AUTHORITY

A deputy having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the deputy believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, deputies are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person’s mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person

(b) A family member

(c) The person subject to the determination or anyone designated by the person

410.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a 5150 commitment, the deputy 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) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the person changes their mind regarding voluntary evaluation, deputies should proceed with the 5150 commitment, if appropriate.

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410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(b) Conflict resolution and de-escalation techniques.

(c) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Deputies should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

410.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the deputy shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The deputy taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the deputy shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

410.5 TRANSPORTATION

Transport for any individual for a 5150 commitment shall be conducted in accordance with the Transporting Persons in Custody Policy.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

410.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility

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restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

410.7 WALKAWAY PSYCHIATRIC PATIENTS FROM TREATMENT FACILITIES

Any deputy who is responsible for investigating a report of a person who has been placed on a 5150 commitment and who has walked away from the facility he/she was placed in shall do so in accordance with the Walkaway Psychiatric Patients from Treatment Facilities section of the Missing Persons Policy.

410.8 DOCUMENTATION

The deputy shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for deputy involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

410.8.1 ADVISEMENT

The deputy taking a person into custody for evaluation shall advise the person of:

(a) The deputy’s name and agency.

(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.

(c) The name of the facility to which the person is being taken.

(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the deputy must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The deputy should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

410.9 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.

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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.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

410.10 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling deputies shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Deputies shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see the Property Room Policy).

410.10.1 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 Division, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

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410.11 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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Cite and Release Policy

411.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

411.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: MCDA Booking Required Memo.pdf

Click the following link for: Traffic Court Infractions Memo.pdf

Click the following link for: Citing for Probation Violations.pdf

Click the following link for: 14601 12500 CVC MCDA Memo.pdf

411.2 POLICY

It is the policy of the Marin County Sheriff's Office to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

411.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing deputy shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

411.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting deputy should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court (Refer to the attachment titled *MCDA Booking Required Memo)*.

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.

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411.4 NON-RELEASE

411.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))

(b) Felony domestic battery (Penal Code § 273.5)

(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))

(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)

(e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)

(f) Stalking (Penal Code § 646.9)

(g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

411.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander or the authorized designee may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that 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.

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(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.

(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:

  (a) Previous failure to appear is on record

  (b) The person lacks ties to the area, such as a residence, job, or family

  (c) Unusual circumstances lead the deputy responsible for the release of prisoners to conclude that the suspect should be held for further investigation

(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 and in the accompanying arrest report.

411.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to a supervisor's approval, unless any of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence.

(b) The misdemeanor cited in the warrant involves a firearm.

(c) The misdemeanor cited in the warrant involves resisting arrest.

(d) The misdemeanor cited in the warrant involves giving false information to a deputy.

(e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.

(f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.

(g) The person has other ineligible charges pending against them.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

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(j) The person cannot provide satisfactory evidence of personal identification.

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

411.6 JUVENILE CITATIONS

The issuing of criminal citations to juveniles shall be done in accordance with the Juvenile Arrests and Citations Policy.

411.7 TRAFFIC CITATIONS

The Traffic Division of the Marin County Superior Court will accept citations for certain misdemeanor crimes, but only when they are cited as infractions. Those crimes include:

- Penal Code § 555
- Vehicle Code § 12500(a)
- Vehicle Code § 14601.1(a)
- Vehicle Code 23109 § (a-c)
- Business and Professions Code § 25662

Refer to the attachment titled *Traffic Court Infractions Memo.*

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Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Marin County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.1.1 PROCEDURES

There are no procedures associated with this policy.

412.2 POLICY

The Marin County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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412.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever a deputy arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the deputy shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

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412.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

412.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Marin County Sheriff's Office relating to immigration and interacting with federal immigration officials (e.g., U.S. Immigration and Customs Enforcement ("ICE")) whose role is to enforce immigration laws, in conformity with state and federal laws.

414.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - A warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

414.1.2 PROCEDURES

Procedures Manual: 414.1 IMMIGRATION VIOLATIONS - PROCEDURES

414.2 POLICY

It is the policy of the Marin County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

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414.4 IMMIGRATION INQUIRIES PROHIBITED

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6). No person shall be contacted, detained, or arrested solely on the basis of his or her immigration status.

414.4.1 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

414.5 DETENTIONS AND ARRESTS

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

A deputy should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

414.5.1 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.

414.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department 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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414.7 INFORMATION SHARING

No member of this department 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 department 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 (Government Code § 7284.2 et seq.).

414.7.1 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 also 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 made as part of a preliminary hearing (held to answer) 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 made as part of a preliminary hearing (held to answer) 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.

414.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from ICE regarding a hold, notification, or transfer request along with information as to whether the Marin County Sheriff's Office intends to comply with the request (Government Code § 7283.1).

If the Marin 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 his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

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414.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE and an individual in custody, the Marin 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 he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

414.7.4 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.

414.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

An Investigations Division Supervisor shall ensure that data regarding the number of transfers of an individuals by the Patrol Division 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 Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Documentary Services Division Policy).

The SB54 Coordinator shall ensure that data regarding the number of transfers of individuals by the Jail Division 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 Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2). See the Documentary Services Division Policy.

414.7.6 REPORTING TO THE BOARD OF SUPERVISORS

Consistent with the requirements of California Government Code § 7283.1(d), by January 31st of each year, the Sheriff's Office will report to the Marin County Board of Supervisors the number of inmates who ICE has requested access to in the prior year and the demographic characteristics of each.

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

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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 Division supervisor assigned to oversee the handling of any related case. The Investigations Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

    2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).

    3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).

    4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

    1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).

(e) Inform the victim liaison of any requests and their status.

414.8.1 TIME FRAMES FOR COMPLETION

Deputies and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

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Deputies and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

414.8.2 REPORTING TO LEGISLATURE

The Investigations Division 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).

414.8.3 POLICE REPORTS

Upon request, the Documentary Services Division shall provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

414.9 TRAINING

The Training Manager 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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Emergency Utility Service

415.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Department. Requests for such service received by this department should be handled in the following manner.

415.1.2 BROKEN WATER LINES

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

415.1.3 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

415.1.4 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

415.1.5 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

415.1.5 PROCEDURES

There are no procedures associated with this policy.

415.2 TRAFFIC SIGNAL MAINTENANCE

The County of Marin contracts with a private maintenance company to furnish maintenance for all traffic signals within the County, other than those maintained by the State of California.

415.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise the the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

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.

Aircraft Accident - Any accident involving an aircraft, when the motion of the aircraft leads to the events or series of events, causing substantial damage to property or injury or death to person(s).

416.1.2 PROCEDURES

There are no procedures associated with this policy.

416.2 POLICY

It is the policy of the Marin 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) Request a field supervisor to the scene.

(g) Consider implementation of an Incident Command System (ICS).

(h) Determine if a military aircraft is involved and the branch of the military of which the aircraft belongs, and whether it is in active duty status.

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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.

416.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

The supervisor at the scene shall notify the Watch Commander or in his/her absence, the Captain of the Field Services Bureau, the Undersheriff, or the Sheriff.

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 department will shift to a support role for those agencies.

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If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

416.7 SUPERVISOR RESPONSIBILITIES

The supervisor shall determine the approximate boundaries of the involved area including areas where wreckage might have fallen while the aircraft was still in flight and shall make notification to surrounding municipalities. In the event of a major aircraft accident, traffic rerouting shall be requested through the California Highway Patrol.

If there are fatalities, deputies shall secure the area until personnel from the Coroner's Division arrive. If there are no deaths, the area shall be secured until the proper investigative agency arrives at the scene. Additional assistance, as needed, shall be provided to the outside investigative agency.

The Watch Commander shall be responsible for establishing an incident command system, if needed. The Watch Commander will also notify the Captain of the Field Services Bureau, or in his/her absence, the Undersheriff. The Watch commander shall, if needed, request a restricted airspace through the FAA. The purpose of this is to provide a safe environment for the operation of disaster relief aircraft and to prevent unsafe congestion of sight-seeing aircraft in the area of an incident or event, which may attract a high degree of public interest.

416.8 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

416.9 INVESTIGATION RESPONSIBILITIES

The Marin County Sheriff's Office is responsible for preservation of the accident site and coordination of local agency support activities in accordance with this policy.

The NTSB has the overall investigative responsibility for all fatal civil aircraft accidents. The purpose of the NTSB investigation is to determine the actual factors for the accident.

The FAA investigates all civil aircraft accidents to determine whether there has been a violation of FAA regulations. The FAA will normally work in conjunction with the NTSB.

The Federal Bureau of Investigations (FBI) is responsible for conducting the criminal investigation if there is an indication that the aircraft accident occurred as a result of criminal activity. In that event, the Sheriff's Investigative Unit will assist the FBI as requested.

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Military authorities have complete jurisdiction over aircraft accidents that involve only military aircraft. In any accident that involves both military and civilian aircraft, the NTSB, FAA, and the Marin County Sheriff's Office will be responsible for the investigation.

416.10 DOCUMENTATION

All aircraft accidents occurring within the jurisdiction of the Marin County Sheriff's Office 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 MCSO 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.

416.10.1 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.

416.10.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.11 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

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Field Training Program

417.1 PURPOSE AND SCOPE

The Field Training Program is intended to provide a standardized curriculum to facilitate the training of newly assigned Patrol Deputies to the actual performance of general law enforcement duties of the Marin County Sheriff's Office.

417.1.1 DEFINITIONS

Trainee - Any entry level or lateral sheriff's deputy newly appointed to the Marin County Sheriff's Office who has successfully completed a POST approved Basic Academy.

417.1.2 PROCEDURES

There are no procedures associated with this policy.

417.2 POLICY

It is the policy of this department to assign all new Sheriff's Patrol deputies to a structured FTO 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.

417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant by the Patrol Bureau 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

(c) Maintain and ensure FTO/trainee performance evaluations are completed

(d) Maintain, update, and issue the Field Training Manual to each trainee

(e) Monitor individual FTO performance

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

(j) Prepare the FTO supervisor's Weekly Evaluation Report of trainee progress during field training.

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)).

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417.3.1 FTO PROGRAM COORDINATOR

The FTO Program Coordinator is responsible for the general control and operation of the FTO Program. The FTO Program Coordinator's duties and responsibilities include:

(a) Monitor overall FTO Program

(b) Assignment of trainees to FTOs

(c) Maintain a roster of all FTOs and monitor their individual FTO performance

(d) Conduct FTO meetings periodically

(e) Maintain and ensure FTO/trainee performance evaluations are completed

(f) Maintain, update, and issue the Field Training Manual to each trainee

(g) Develop ongoing training for FTOs

(h) Monitor the selection, training, and certification of FTOs

(i) Review the FTO supervisor's Weekly Evaluation Report of trainee progress during field training for all trainees

(j) Periodically consult with FTOs to maintain standards, solicit suggestions, and discuss new approaches to training program problems

(k) Assume responsibility for security and maintenance of Field Training files until given to the Professional Standards Unit who will retain said files in accordance with approved records retention schedules

417.3.2 FTO PROGRAM SERGEANT

An FTO Sergeant is the first line supervisor in charge of matters relating to FTOs, trainees, and the FTO Program in general. The FTO Sergeant should be selected by the FTO Program Coordinator and possess, or be eligible to receive, a POST Supervisory Certificate.

The FTO Sergeant's duties and responsibilities include:

(a) Responsibility for the direct supervision of the FTO Program

(b) Maintain staff supervision of the training of trainees while they are in a field training assignment, including the designation of trainee/FTO assignments, changes in such assignments, and variations in the length of assignments until the trainee is released from the FTO Program

(c) Handle day-to-day scheduling issues that relate to FTO/trainee assignments

(d) Prepare the FTO Sergeant's Weekly Evaluation Report of trainee progress during field training

(e) Monitor individual FTO performance

(f) Participate in the FTO selection process

(g) Ensure end-of-phase evaluations are completed by FTOs at the end of each of the trainee's phases of training

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(h) In the event a trainee's performance does not meet the standards of the FTO Program during any phase of training, the FTO Sergeant will meet with the FTO to determine the best course of action (i.e., removal from the FTO Program, extension, etc.). This information shall be documented in the FTO Sergeant's Weekly Evaluation Report and forwarded to the FTO Program Coordinator.

417.3.3 FIELD TRAINING OFFICER

The FTO's duties and responsibilities include:

(a) FTOs shall be responsible for the training of trainees assigned to them.

(b) Prepare Daily Observation Reports (DORs) which document the training provided to the trainee and the trainee's performance.

(c) FTOs should review each DOR with the trainee no later than the following shift.

(d) Prepare a comprehensive end-of-phase trainee evaluation which shall be submitted to the FTO Sergeant.

417.4 FTO PROGRAM - PHASES OF TRAINING

The standard duration of training for a trainee assigned to the FTO Program shall be 19 weeks. To the extent practicable, entry level and lateral deputies should be assigned to a variety of FTOs, shifts, and geographical areas during their FTO Program.

Orientation consists of one week of basic instruction in areas including, but not limited to:

- Report writing
- Defensive tactics
- Emergency vehicle operations training
- Crisis Intervention Team (CIT)
- Investigations
- Coroner Investigations
- Ethics and leadership.

The trainee will not receive Daily Observation Reports (DORs) during the orientation week.

Phase 1 consists of six weeks of instruction and evaluation. During this phase, and each subsequent phase of training, the trainee will receive a DOR. The first 2-4 shifts of this phase, and each subsequent phase, will be used for the recruit to observe the FTO. Successful completion of Phase 1 is required before the trainee can proceed onto Phase 2.

Phase 2 consists of six weeks of instruction and evaluation. It is expected the trainee will begin handling calls for service with less input required from his/her FTO. The trainee must successfully complete Phase 2 before proceeding onto Phase 3.

Phase 3 consists of five weeks of instruction and evaluation. The trainee will be expected to handle all calls, save those he/she has not yet been exposed to, without assistance. He/she should

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be initiating all patrol activities on his/her own. During Phase 3, less training is provided in an environment where critical evaluation takes on ever increasing importance. Week five of Phase 3 should be used to familiarize the trainee with any areas and/or beats in the county the trainee has not been exposed to. The trainee must successfully complete Phase 3 before proceeding onto Phase 4.

Phase 4 (shadow) consists of one week (at least three 12-hour shifts) of observed patrol activity. The FTO must ride in the same car as the trainee and observe and evaluate the trainee at all times. The FTO shall wear his/her standard patrol uniform.

Successful completion of Phase 4 is required for the trainee to graduate from the FTO Program.

417.4.1 EXTENSIONS

An FTO Sergeant of a trainee under his/her supervision may recommend to the FTO Program Coordinator that a trainee who is not meeting the expectations of the FTO Program be continued beyond the standard number of weeks allotted for each phase only if there exists a reasonable belief that improved performance will result from the extended training period. Any extension granted by the Program Coordinator will be a minimum of two weeks.

417.4.2 REMOVAL FROM THE FTO PROGRAM

If at any time, it is determined the trainee has demonstrated a pattern of difficulty or inability to perform to established standards of achievement, he/she may be terminated from the FTO Program. Providing the trainee with an extension in order for the trainee to improve his/her performance should be considered, but is not required prior to terminating that trainee from the FTO Program.

The decision to terminate a trainee from the FTO Program rests with the FTO Coordinator.

417.4.3 EARLY RELEASE FROM THE FTO PROGRAM

An FTO Sergeant may initiate a recommendation for early completion from the FTO Program for an exceptionally capable trainee who has completed no less than ten weeks of training. The recommendation will be submitted through chain of command to the Program Coordinator who will decide whether to release the trainee early or if he/she is to continue the FTO Program to its completion.

A lateral trainee who has previously successfully completed a POST approved Field Training Program should be required to complete no less than ten weeks of training. The Patrol Orientation Course may count as one of those weeks.

417.5 FTO PROGRAM - SELECTION AND TRAINING

The 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.

417.5.1 FTO QUALIFICATIONS

FTOs shall possess the following qualifications:

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(a) Possess the technical knowledge necessary for the successful job performance of a deputy sheriff. He/she shall be particularly adept at preliminary investigation and report writing, be conversant with the law, and aware of his/her policing responsibilities.

(b) Be skilled in interpersonal relations. He/she must be able to work with people under a wide variety of circumstances and be able to recognize and successfully manage potentially violent situations.

(c) Possess the verbal, writing, and teaching skills required of an FTO.

(d) He/she must be able to perform in a coach-pupil relationship and evaluate others objectively.

(e) Possess a desire to participate and exhibit a commitment to the goals of the FTO Program and the Department.

(f) Possess qualities of maturity, patience, fairness, and dependability.

417.5.2 SELECTION PROCESS FOR FTOS
FTOs will be selected based on the following requirements:

(a) The degree to which the applicant deputy possess the qualifications listed above.

(b) Desire to be an FTO

(c) Minimum of one year of patrol experience.

(d) Demonstrated ability as a positive role model

(e) Evaluation by supervisors

(f) Possess a POST Basic certificate

417.5.3 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.

417.6 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete a POST-approved Field Training Program, consisting of a minimum of 10 weeks (Penal Code § 13515.295; 11 CCR 1004; 11 CCR 1005).

The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience. A lateral deputy may be exempt from the Field Training Program requirement if the deputy qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

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417.6.1 FIELD TRAINING MANUAL
Each new deputy will be issued a Field Training Manual at the start of his/her training in the FTO Program. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Marin County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Marin County Sheriff's Office.

417.7 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

417.7.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:

(a) Complete and submit a written evaluation (DOR) on the performance of his/her assigned trainee to the FTO's FTO Sergeant on a daily basis.

(b) Review the trainee's DOR with him/her each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

417.7.2 FTO SERGEANT
FTO Sergeants shall review and approve all DORs for trainees under their command and forward those DORs to the FTO Program Coordinator.

FTO Sergeants shall review and approve all end-of-phase evaluations for trainees under their command and forward those end-of-phase evaluations to the FTO Program Coordinator.

417.7.3 FTO PROGRAM COORDINATOR
The FTO Program Coordinator will review and approve the DORs submitted by the FTO through his/her immediate supervisor.

The FTO Program Coordinator will review and approve the end-of-phase evaluations submitted by the FTO through his/her immediate supervisor.

417.7.4 TRAINEE
At the completion of the FTO Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the FTO Program.

417.7.5 END-OF-PHASE EVALUATIONS
At the end of each phase of training, the FTO will prepare an end-of-phase evaluation for his/her trainee. The end-of-phase evaluation will include a description of the following:

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- The trainee's strengths and weaknesses.
- A synopsis of the training that was provided during that phase of training.
- Any areas of training that were not covered and why.
- Any remedial training that was given to the trainee.
- A synopsis of the various types of calls the trainee was exposed to.
- A synopsis of any call types the trainee was not exposed to.
- A statement from the FTO that the trainee is or is not ready to move on to the next phase of training, or to graduate from the FTO Program.

Once the end-of-phase evaluation has been approved and signed by the FTO Sergeant, the evaluation will be placed in the trainee's FTO training file. The trainee's next FTO shall review the end-of-phase evaluation and discuss its contents with the trainee's previous FTO and FTO Sergeant prior to beginning the next phase of training.

417.8 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy’s training files and will consist of the following:

(a) DORs

(b) End-of-phase evaluations

(c) Any written tests the trainee completed as part of his/her training

(d) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

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Obtaining Air Support

418.1 PURPOSE AND SCOPE

The use of a police aircraft can be invaluable in certain situations. This policy specifies potential situations where the use of a police aircraft may be requested and the responsibilities for making a request.

418.1.1 PROCEDURES

There are no procedures associated with this policy.

418.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of a police aircraft would be beneficial, a request to obtain aircraft assistance may be made.

418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a police aircraft, the Watch Commander, or his/her designee, will call the closest agency having aircraft support available. The Watch Commander, or his/her designee, will apprise that agency of the specific details of the incident prompting the request.

418.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police aircraft may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard

(c) When the use of the aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When an aircraft is needed to locate a person who has strayed, is lost, needs to be rescued, or whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

While it is recognized that the availability of aircraft support will generally provide valuable assistance to ground personnel, the presence of an aircraft will rarely replace the need for deputies on the ground.

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Contacts and Temporary Detentions

419.1 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.

419.1.1 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 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.

419.1.2 PROCEDURES

There are no procedures associated with this policy.

419.2 POLICY

The Marin 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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419.3 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 Marin County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

419.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in a criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity as known by the deputy

419.4 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.

419.5 FIELD PHOTOGRAPHS

419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

419.5.2 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.

419.5.3 DISPOSITION OF PHOTOGRAPHS

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. In situations where a case number is not issued, detainee photographs should be electronically attached to an FI.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

419.5.4 FIELD PHOTOGRAPHS OF JUVENILES

Photographs of juvenile detainees shall only be retained in cases where those photographs are related to a crime, and as such, any such photographs shall be submitted as evidence items.

Photographs of juvenile detainees shall not be uploaded onto any department online photograph repository (i.e., TIPS or electronically attaching photographs to FIs).

419.5.5 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.

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419.6 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 Marin 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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Mobile Data Terminal Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

421.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: MDT and Intergraph FAQs.pdf

Click the following link for: MCSO Radio Codes.pdf

421.2 POLICY

Marin County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

421.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Watch Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure

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the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

421.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

421.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT system. Changes in status transmitted over the MDT will only be done using pre-identified buttons that update a unit's status at a particular location (i.e., substation, Court, County Garage, etc.) Changes in status transmitted over the MDT shall not be done using the message feature by sending a message to a dispatcher.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

421.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

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Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

Any member who encounters a non-functioning MDT shall report the issue to the Technology Services Unit as soon as practicable.

421.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

421.6.3 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle’s location. This system interacts directly with and is a critical component of the MDT. Use of this system shall be done in accordance with the Vehicle Location System section of the Vehicle Use Policy.

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Portable Audio/Video Recorders

422.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body worn cameras (BWC) by members of this department while in the performance of their duties. The provisions of this policy also apply to hand held recorders and recorders integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Marin County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

422.1.1 PROCEDURES

Procedures Manual: 424.1 PORTABLE AUDIO/VIDEO RECORDERS - PROCEDURES

422.2 POLICY

The purpose of BWCs is to assist law enforcement personnel in the performance of their duties by obtaining documentary evidence for criminal investigations. BWC recordings may also prove valuable in related civil litigation, citizen complaints, and administrative matters arising from law enforcement activity.

422.3 COORDINATOR

The Sheriff or the authorized designee shall appoint a Watch Commander to coordinate the use and maintenance of BWCs and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.

(b) Designating persons responsible for downloading recorded data.

(c) Establishing a maintenance system to ensure availability of operable BWCs.

(d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.

(h) Policy and procedure review and evaluation.

(i) Training.

(j) Coordination with the Technology Services Unit regarding system related issues.

422.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device

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it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

422.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a BWC issued by the Department, and that the BWC is in good working order. If the BWC is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members shall wear the BWC in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position should carry a BWC or other approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the BWC in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the BWC. Members should include the reason for deactivation.

At the conclusion of the deputy's shift, or when practical, the BWC will be placed into a charging dock and the recorded media will be uploaded to the Department's on-line media storage system.

Uniformed personnel shall wear the BWC above the midline of their torso and in a forward-facing position to produce an effective recording.

422.5.1 SUPERVISOR RESPONSIBILITIES

Supervisors will ensure deputies are using their BWC's in accordance with this policy, which can include periodic audits of BWC recordings and utilizing the live stream functionality of the BWC in furtherance of that objective. Supervisors shall ensure that those deputies working under him/her are uploading, labeling, and categorizing all recorded media files prior to the end of the deputy's shift.

Supervisors shall ensure recorded media files related to critical incidents are uploaded to the Department's on-line media storage system as soon as practical after the critical incident has concluded.

Supervisors may have the ability to immediately resolve citizen complaints by reviewing recorded media files that have been captured by a BWC. In circumstances where a complaint has been resolved with no further action needed, supervisors shall add the additional category of Citizen Complaint to the recording and enter any appropriate comments in the Notes section of the Department's on-line media storage system.

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Deputies will have the ability to audit the Department's on-line media storage system at their discretion to determine whether or not any of their BWC recordings have been reviewed. Deputies may contact the System Administrator if they feel videos were viewed in violation of this policy.

422.5.2 SECONDARY RECORDERS

Any uniformed deputy who wishes to carry an audio/digital recorder in addition to the BWC may do so for the purpose of surreptitiously recording conversations or activities that are otherwise legal to record. An example of this could include, but not be limited to, placing an audio recorder near the back seat of a patrol car to record a suspect or suspects, or to record a conversation when the subject of a BWC recording has insisted, consistent with the requirements of this policy, that the BWC be turned off.

Uniformed deputies are not allowed to carry an audio digital recorder in place of their issued BWC.

422.6 ACTIVATION OF THE PORTABLE RECORDER

Unless unsafe, impossible, or impractical, uniformed deputies are required to activate their BWC prior to any law enforcement related encounter or activity that occurs while the deputy is on duty. Examples of these encounters or activities include, but are not limited to:

- All pursuits, whether in a car or on foot
- All vehicle stops
- Crowd management services, including demonstrations and protests
- All self-initiated activity that would normally require a deputy to notify his/her dispatcher
- All enforcement and investigative contacts, including suspicious persons, detentions, and/or field interview situations
- During any use of force or tactical intervention
- During suspect and witness interviews, Miranda advisements, and while obtaining a verbal consent to search
- During probation or parole searches
- During the service of a search and/or arrest warrant

Unless unsafe or impractical, plain clothes detectives assigned to the Specialized Investigative Unit, the Coordination of Probation Enforcement Unit and the Auto Theft Unit are required to don their BWC when wearing tactical gear in preparation for the following encounters and activities. Circumstances in which plain clothes detectives will activate a BWC while wearing their tactical gear include, but are not limited to:

- The service of a search and/or arrest warrant
- Assignment to an arrest team
- During COPE related enforcement contacts
- During Auto Theft related enforcement contacts

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- During probation or parole searches
- While operating in a marked vehicle
- During suspect and witness interviews, Miranda advisements, and while obtaining verbal consent to search

Once activated, the BWC should remain on continuously until the deputy's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Deputies may also deactivate the recording during significant periods of inactivity, such as report writing, or when a deputy is not in contact with citizens and is no longer an active part of the investigation.

At no time is a member expected to jeopardize his/her safety in order to activate a BWC or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

422.6.1 CESSATION OF RECORDING

Under very limited circumstances a deputy may decide to terminate a BWC recording before the conclusion of a law enforcement encounter. Examples of when it might be appropriate to terminate a BWC recording include, but are not limited to:

- During sensitive interviews with crime victims and/or witnesses who insist the BWC be turned off, such as cases that involve child abuse, sexual assault, etc.
- During interviews with confidential informants.
- During conversations that involve case strategies or tactical planning.
- In most cases, it may not be necessary to continue recording an interaction with an arrestee during transport to a detention facility unless the transporting deputy believes such a recording may be of evidentiary value.

Although the 4th Amendment places a higher expectation of individual privacy within a private residence, that does not preclude the use of BWCs inside a subject's home. Deputies engaged in an official duty who have a lawful right to be in the home may use the BWC to record that encounter.

If a subject asks the deputy not to record an encounter while inside a private residence, the deputy should use good judgment and weigh the legitimacy of the law enforcement interest in having that encounter recorded against the legitimacy of the request from the citizen to cease the recording. In such cases, the deputy may choose to terminate the BWC recording and surreptitiously record the encounter using an audio/digital recorder instead.

Deputies should not activate a BWC, or should exercise extreme discretion in deciding to activate a BWC, when entering a public locker room, changing room, restroom, doctor's office, lawyer's office, or other place where individuals unrelated to a law enforcement incident are present and would have a heightened expectation of privacy.

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Deputies are not required to activate the BWC when engaged in conversations with individuals that the deputy shares a privileged relationship with, including, but not limited to, a spouse, attorney, police peer counselor, labor representative, minister, etc.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

422.6.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

422.6.3 EXPLOSIVE DEVICE

Many portable recorders, including BWCs and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

422.6.4 CRISIS RESPONSE UNIT - BODY WORN CAMERA USE

Team Leaders, Assistant Team Leaders, and deputies who are assigned to the Special Response Team (SRT) and are engaged in an active SRT incident shall wear and utilize a BWC during the course of that incident. SRT members, other than those assigned to a tactical command or incident command, shall activate their BWC's upon deployment into their tactical assignment. This will generally occur after a tactical team briefing or immediately if exigent circumstances exist.

Personnel who are assigned to the Crisis Negotiations Team (CNT) and are engaged in an active CNT incident shall utilize a BWC to record any negotiations if the member has one available. It is understood that CNT members may respond to CNT incidents while off duty and may not have an opportunity to retrieve their BWC prior to arriving at an incident. In any case in which a BWC is not available, CNT members shall make every effort to record negotiations using an alternative method (e.g., portable recording device, department issued cell phone).

422.7 PROHIBITED USE OF BODY WORN CAMERAS

It will be a violation of this policy for any deputy to fail to activate their BWC, or to intentionally terminate a BWC recording in order to commit a violation of law or policy.

The BWC shall not be used to record non-work related activity and shall not be activated in department work places where a reasonable expectation of privacy exists, such as inside a department locker room or restroom.

Deputies are prohibited from making personal copies of recordings, including utilizing secondary/ personal recording devices to create a duplicate recording. Deputies shall not duplicate or distribute recordings except for authorized official department business.

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Recordings shall not be used by any employee for the purpose of entertainment, embarrassment, intimidation, or ridicule.

Recordings shall not be accessed or released for any unauthorized purpose. Employees are prohibited from accessing recorded data for personal use and from uploading recorded data onto public and social media Internet web sites.

Deputies shall not remove, dismantle, or tamper with any hardware and/or software component of the BWC system.

No employee shall modify, alter, erase, or record over any portion of a BWC recording, unless authorized pursuant to this policy.

422.8 IDENTIFICATION, PRESERVATION, AND RETENTION OF RECORDINGS

Deputies shall document the existence of a recording made by a BWC in any report, on any citation, or in any other official record made of his/her activities. Should the deputy decide to deactivate the BWC prior to the conclusion of the law enforcement event, or should the BWC malfunction prior to the conclusion of that event, the deputy shall note that decision or malfunction in the report, on the citation, or in any other official record made to record his/her activities.

Deputies using a BWC shall ensure each recording made has been correctly categorized in Evidence.com using one of the categories described below. In the event a recording has not been auto-tagged, it shall be categorized manually by the deputy. No recording should be left as uncategorized.

Retention periods are established by the Sheriff in accordance with state and federal mandates, and the County of Marin's Records Retention Schedule.

Non-evidentiary recordings shall be retained for a minimum of 60 days.

Evidentiary recordings that include, but are not limited to, the below described circumstances shall be retained for a minimum of two years:

1. The recording of an incident involving the use of force by a deputy or a deputy involved shooting.
2. The recording of an incident that leads to the detention or arrest of an individual.
3. The recording is relevant to a formal or informal complaint against a deputy or the Department.

The following categories are to be used to identify the nature of each BWC recording. Each category has a corresponding records retention schedule, so accurately categorizing each recording is required.

1. Arrests and Citations: These categories will be used any time an arrest takes place or a citation has been issued.
    (a) Felony Arrest: This category will be used any time a felony arrest takes place or a citation has been issued. Minimum retention period of three years.

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(b) Misdemeanor/Infraction Arrest or Citation: This category will be used any time a misdemeanor arrest takes place or a citation has been issued. Minimum retention period of two years.

(c) 5150 W&I: Any detention resulting in a person being placed on a 72 hour hold pursuant to Welfare and Institutions Code § 5150. Minimum retention period of two years.

2. Enforcement Contacts: This category will be used anytime an enforcement contact has been made that did not result in an arrest or citation, including, but not limited to, traffic stops, bicycle stops, and suspicious persons/pedestrian contacts. Minimum retention period of two years.

3. Citizen's Complaint: This category will be used by supervisors who are investigating a citizen complaint. Deputies may also use this category should they believe the recording may assist in a future complaint investigation. Minimum retention period of five years.

4. Critical Incidents: This category will be used in the event of a critical incident or an incident likely to hold significant interest for the Department or the public. Minimum retention period of three years.

5. Reports: This category shall be selected for all reports taken that do not include an arrest or citation.

   (a) Felony: Any felony report taken. Minimum retention period of three years.

   (b) Misdemeanor/Infraction: Any misdemeanor or infraction report taken. Minimum retention period of two years.

6. Homicide: This category will be used for any incidents involving a homicide. Minimum retention period will be indefinite.

7. DA Request: This category will be used by the Evidence Control Technician when a video has been requested by the District Attorney's Office to be used for prosecution. Minimum retention period will be indefinite.

8. Training: This category may be selected by the user to document training recordings. Minimum retention period of two years.

9. Use of Force: This category will be used anytime there is a use of force captured by the BWC and there is not a more appropriate alternative category assigned. Minimum retention period of three years.

10. Missing Persons: This category will be used for any reports involving a missing person (adult or juvenile) or any runaway juvenile. Minimum retention period of two years.

11. Accidental Activation: This category will be used any time a deputy accidently activates his/her BWC and the recording has no evidentiary or other value. Minimum retention period of 60 days.

12. Sex Report: This category will be used for any reports involving sexual assault. Minimum retention period will be indefinite.

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13. Coroner: This category will be used for any Death/Body calls handled by the Patrol Division that are not classified as homicide. Minimum retention period will be indefinite.
14. Court Ordered Sealings: This category will be used by the Legal Process Specialist assigned to the BWC program when a court order is received to seal certain records to include BWC evidence. Minimum retention period will be indefinite.

422.8.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Axon redaction software shall be applied as to conceal the identity of SIU personnel, whose identity has been compromised during a recording, prior to any video recordings being released. Any portion of a video deemed to be confidential in nature can also be redacted with the approval of the Investigations Division Commander.

Video recordings made by a BWC are presumed to constitute evidentiary records and may be released only under the following circumstances:

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

1. Law enforcement and allied agency requests: Request from a law enforcement agency, the District Attorney's Office, or the County Counsel's Office, for the release of a recording made by a BWC shall be made in writing to the BWC System Administrator and shall include sufficient information to aid in locating the BWC file. A decision to grant the request for release of the BWC video shall be made in accordance with this policy and all other applicable federal and state statutes. The Legal Process Specialist assigned to the BWC program will only release the recording if approved by the BWC System Administrator.
2. Court requests: Upon receipt of a court subpoena, Legal Process Specialist assigned to the BWC program will be responsible for making a copy of the requested recording, or segment thereof, as ordered by the Court and/or other authorized entity.
    (a) Videos requested by the District Attorney's Office to be used for prosecution shall be sent by the Legal Process Specialist via a restricted link within the Evidence.com portal. Once a video has been requested, the Legal Process Specialist will add the category DA Request to the video(s) which will retain the video(s) until such time that the Legal Process Specialist receives notice from the District Attorney that said video(s) are no longer needed. The Legal Process Specialist will then remove the DA Request category from the video(s) which will allow the video(s) to be purged according to its original retention values assigned when recorded.
3. Non-Law Enforcement Requests: Requests from media outlets and/or a member of the public for the release of a BWC recording shall be processed in accordance with Department policy and all applicable federal, state, and local laws. Any recording that is released to the media or other external source shall require the approval of the Undersheriff or his/her specific designee. The Documentary Services Manager may act as a resource in helping to determine whether the media and/or any specific individual has a right to view a specific recording, consistent with law and/or policy.

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(a) Whenever practical, all personnel involved in a recorded event will be notified prior to the release of that recording to the media or other external source.

Deputies who are conducting open criminal or internal investigations may advise the BWC System Administrator to restrict access to, or public disclosure of, any relevant BWC files until the criminal or internal investigation has been completed.

All requests for the release of audio/video recordings related to critical incidents shall be done in accordance with state law as well as the Records Maintenance and Release Policy.

422.8.2 REQUEST FOR DELETION OF A RECORDING
In the event of an accidental activation of a BWC, for recordings made for training purposes alone, and for recordings that do not have any evidentiary value, the recording employee may request the BWC file be deleted by submitting a written request to the BWC System Administrator. The request must contain sufficient information to aid in locating the BWC file and include the specific reason why the file should be considered for deletion.

422.9 REVIEW OF RECORDED MEDIA FILES

422.9.1 REVIEW OF BODY WORN CAMERA RECORDINGS - GENERALLY
Although the data captured by a BWC is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner. All access to the system is logged and subject to audit at any time. Access to data contained within the system is permitted on a "right to know/ need to know" basis only.

Deputies and employees may review video recordings maintained within the BWC system only as authorized by this policy.

Once uploaded to the Department's on-line media storage system, deputies may review their own audio/video recordings at a department computer and/or other Internet enabled device, but only after documenting the reason for that access in the Notes section of the system. Each access to the Department's on-line media storage system automatically records the name and identification number of the deputy making access, as well as the time and date each access was made.

BWC recordings may be viewed in any of the following situations:

1. By the recording deputy who needs to review his/her own recordings for report preparation, to prepare for sworn testimony, or to prepare for an administrative investigation.
2. In the above-referenced circumstances, deputies who appear in a video captured by a BWC worn by a different deputy shall also be entitled to review those applicable recordings.
3. In the above-referenced circumstances, deputies who are not seen or heard in a video if they had a similar perspective or were in close proximity to the deputy whose BWC captured the video.
4. By department personnel who are engaged in an official investigation.

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5. By a supervisor reviewing an incident. However, supervisors may not randomly access BWC recordings for arbitrary or capricious purposes.
6. In response to court orders, subpoenas, Public Records Act requests, etc., a deputy's BWC recording(s) may be viewed by members who have a legitimate law enforcement reason to review the BWC recording (e.g., Custodian of Records, BWC System Administrator, Command Staff, etc.)
7. Recordings may be shown for training purposes with prior review and approval of the Field Services Bureau Captain. If an involved deputy objects to the showing of a recording, his/her objection will be submitted through the Chain of Command to the Field Services Bureau Captain in order to determine if the training value outweighs the deputy's objection to showing the recording.
8. BWCs equipped with live streaming capabilities may be accessed by a supervisor for tactical and/or strategic planning purposes to aid or increase officer safety. Supervisors may also utilize this functionality when conducting audits of BWC usage and performance. When this function is utilized, the affected personnel are immediately notified via the BWC that their BWC is live streaming. This capability is only active when a BWC is actively recording. All personnel utilizing a BWC with this capability have been trained on its uses and how it may be leveraged.

422.9.2 REVIEW OF BWC RECORDINGS - CRITICAL INCIDENTS

In the event a deputy is involved in an incident that results in an in-custody fatality, or when a deputy discharges his/her firearm, except at an approved range or when killing an injured or dangerous animal, the public safety statement should take place as soon as practicable regardless of an employee's ability to review a BWC recording.

An involved deputy will be given an opportunity to review any applicable BWC recordings after the initial public safety statement and prior to providing a criminal or administrative statement.

Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an involved deputy. The investigator should admonish the deputy about the limitations of audio/video recordings, which include, but are not limited to:

1. Video has a limited field of view and may not capture events normally seen by the human eye.
2. The camera's frame rate may limit the ability to capture movements normally seen by the human eye.
3. Lighting in the video may be different than seen by the human eye.
4. Video is two-dimensional and may not capture depth, distance, or positional orientation as well as the human eye.
5. The audio recording may capture auditory information (e.g., voices, words, statements, noises) not heard by the deputy.
6. The audio recording may not capture auditory information heard by the deputy.

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Investigators should advise involved personnel that it is expected there maybe differences between the member's perception and/or recollection, and the BWC recording. Investigators should offer involved personnel the opportunity to identify visual and audio information that is inconsistent with their perception and/or recollection.

422.9.3 REVIEW OF BODY WORN CAMERA RECORDINGS - ADMINISTRATIVE INVESTIGATIONS

Investigators conducting an administrative investigation (i.e., an internal affairs investigation) shall upon request provide each subject employee with a copy of relevant BWC recording files including, but not limited to, the employee's own recording. Recording files (BWC videos) provided to subject employees are not to be reproduced, shared or distributed in any manner other than for purposes of the investigation (i.e., with DSA representative or attorney) without the consent from the Sheriff or the authorized designee.

422.10 BODY WORN CAMERA REPAIR PROCEDURE

Personnel should immediately report any problems with a BWC to their immediate supervisor. Upon notification, the supervisor shall contact the System Administrator and advise him/her of the problem or malfunction and ask that the unit be replaced or repaired. A replacement or repaired unit will be provided by the System Administrator as soon as practicable.

422.11 TRAINING

Deputies shall not use a BWC until they have been trained in its proper use and care. Training will be provided by a qualified trainer and will consist of a review of the BWC system, its functions, usage, and the types of incidents it should be used to record. Additionally, deputies will be trained on applicable documentation procedures required to ensure that recorded events are preserved and included with the appropriate arrest report, incident report, citation, etc.

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Public Recording of Law Enforcement Activity

423.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

423.1.1 PROCEDURES

There are no procedures associated with this policy.

423.2 POLICY

The Marin County Sheriff's Office recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

423.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the deputies.
4. Being so close to the activity as to interfere with a deputy’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the deputies, him/herself or others.

423.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

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Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

423.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

423.6 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

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be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Medical Marijuana

424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

424.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

424.1.2 PROCEDURES

There are no procedures associated with this policy.

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424.2 POLICY

It is the policy of the Marin County Sheriff's Office to prioritize resources to forgo making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Marin County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

424.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

(c) Investigations when a medicinal claim is made by a non-cardholder.

424.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

424.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

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Deputies who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

424.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the deputy reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Deputies are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Deputies should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Deputies should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

424.3.4 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Deputies should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

424.3.5 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

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(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, deputies should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, deputies should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

424.3.6 EXCEPTIONS

This policy does not apply to, and deputies should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

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(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

424.4 FEDERAL LAW ENFORCEMENT

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

424.5 PROPERTY ROOM SUPERVISOR RESPONSIBILITIES

The Property Room supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property Room supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Room supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property Room supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Division supervisor.

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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.

426.1.1 DEFINITIONS

Automated License Plate Recognition (ALPR) System - A computer based system that utilizes special cameras to capture a color image, as well as an infrared image, of the license plate of a passing vehicle. The infrared image is converted into a text file utilizing Optical Character Recognition (OCR) technology. The text file is automatically compared against an "information data file" (i.e., Hot List) containing information on stolen or wanted vehicles as well as vehicles associated with AMBER alerts, warrant subjects or other criteria.

CLETS - California Law Enforcement Telecommunications System.

426.1.2 PROCEDURES

Procedures Manual: 426.1 AUTOMATIC LICENSE PLATE READER PROCEDURES

426.2 POLICY

It is the policy of this department to establish a procedure for the use of an ALPR system. The intent of this policy is to create procedures to protect the information collected and identify the authorized uses of the ALPR system.

426.3 ADMINISTRATION

The ALPR technology provides a manner in which vehicle license plates can be automatically scanned by a computer from a moving vehicle or a fixed location. If the license plate is a match and comes up wanted, the system will alert the officer with both an audible and visible alert.

Images of the license plate and vehicle, as well as a brief explanation of what the vehicle is wanted for will be displayed. The entire process is automatic and takes less than a second.

The ALPR system has the capability to capture quality images in a variety of settings, including darkness, oncoming headlights, bright sunlight, low sunlight, deep shadows and glare. The system has the capability to capture the license plate while capturing a color overview image of the vehicle associated with the plate. The system has the capability to allow authorized personnel to search for previously read plates and retrieve a GPS time stamped photo of each read plate. The system also has the capability to allow read plates to be plotted on a map for analysis.

The ALPR system will not read all license plates. The system only reads plates that it can detect with its cameras. License plates must be in the field of view of the camera and in the infrared color spectrum. Specifically, in order to read the plate, it must have reflective characteristics. Older blue California plates and extremely dirty, mutilated or obscured plates may not be readable. Out of state and motorcycle plates can be read, but accuracy may be reduced.

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Once a license plate is detected by the ALPR system as being wanted or matching the Hot List, an officer must visually verify the license plate on the vehicle matches what was scanned by the ALPR system and confirm its wanted status through CLETS. **The wanted vehicle database is not real-time and this step is necessary to confirm the vehicle is still wanted and the plate was properly read.**

All traffic enforcement stops related to ALPR system hits shall be done in accordance with the Vehicle Pursuit Policy.

426.4 DATA COLLECTION AND RETENTION

The information collected by the ALPR system should be stored for no more than thirty days. 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. This information includes Hot List data which must be manually deleted by the user at the conclusion of their investigation. The retention period for ALPR data should be reevaluated every two years.

This information may be queried only for use in official law enforcement investigations or department-related civil or administrative action. Access to the raw ALPR database is restricted to approved personnel with assigned passwords. Approved personnel include sworn staff with current CLETS clearance and a need to access ALPR data, and staff from the Technology Services Unit who are responsible for installing and maintaining ALPR related equipment. This information is classified as "Law Enforcement Sensitive" and shall not be released to the public except pursuant to Government Code § 6253. If a user does not log into their account for 90 days, the account will automatically be deactivated. When an employee is no longer employed by the Department, their account will immediately be closed.

For access to the ALPR system, the requestor must send an email to the sergeant overseeing the Auto Theft Task Force. Training will be provided prior to account creation or reactivation. Biannual refresher training will be provided to active account holders. Training records will be maintained by the Professional Standards Unit.

Inquiries in the ALPR database shall include a case number or incident number, as well as a valid reason for accessing the database. This information will be used for auditing purposes.

Hot Plates uploaded into the ALPR database for comparison should include the vehicle license plate number and the reason it was added as a Hot Plate. Hot Plate data shall not include names, address or information obtained through CLETs data.

426.5 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:

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1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The agency shall be verified as a non-federal, California law enforcement or prosecutorial agency with a need to know the information. ALPR data shall not be transferred or shared to an agency that MCSO knows shares such data with an entity other than a non-federal, California law enforcement or prosecutorial agency.

(c) The request shall be reviewed and approved by the Auto Theft Sergeant or the authorized designee, who shall be an employee of MCSO.

(d) The approval request will be documented and retained in a local Excel 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).

426.6 AUDITS

The Vehicle Theft Investigator for the Department will be the ALPR Program Manager. The Program Manager will be responsible for creating approved accounts and managing ALPR data and user/data query audits.

Audits of all user queries will be conducted once a year for indications of inappropriate or unusual activity. Data to be audited will include User Logins, and categories related to Hit List Browsing, Sharing Reports, Hot List Browsing, Hot List Upload, Hot Plate Upload, Hot List Delete, Hot Plate Delete, Stakeout Browsing, Detections Shared, Hot Lists Shared, Hot Lists Received, and any other data relating to the sharing of ALPR information with other agencies. If a violation is suspected, it will be reported to the sergeant overseeing the Auto Theft Task Force for further investigation. The results of the audit will be forwarded to the Sheriff or the authorized designee via chain of command for review, approval, and any remediation necessary.

Audit records shall be retained for at least two years. Once the minimum retention time period has passed, the Department shall continue to retain audit records until it is determined they are no longer needed for administrative, legal, audit or other operational purposes. This includes, for example, retention and availability of audit records relative to the California Public Records Act (CPRA), Freedom of Information Act (FOIA) requests, subpoena, and law enforcement actions.

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First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.1.1 PROCEDURES

There are no procedures associated with this policy.

427.2 POLICY

The Marin County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this department 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.

427.3 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 department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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427.3.1 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 department 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.

427.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 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).

427.5.2 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.

427.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

427.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

427.7 USE OF FORCE

Use of force is governed by current department 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 CEWs 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 department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

427.8 ARRESTS

The Marin 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).

427.9 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.

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(c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.

(d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.

(e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.

(f) Deputies shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.

(g) An objectively reasonable effort has been made to extract individuals in distress.

(h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

(i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

(j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:

1. A violation of an imposed curfew.
2. A verbal threat.
3. Noncompliance with a law enforcement directive.

(k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

MCSO personnel are prohibited from utilizing any kinetic energy projectiles except those previously approved by the Sheriff, such as less lethal bean bag rounds. This prohibition specifically includes plastic bullets, rubber bullets, foam tipped plastic bullets, or any other similar type kinetic energy projectile. Any use must be approved by the on-scene MCSO Incident Commander.

427.9.1 USE SUMMARY

The Patrol Bureau 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 department 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 Department at the time of the report and include the information required in Penal Code § 13652.1.

427.10 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

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communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

427.10.1 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, 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).

427.11 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.

427.12 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, the Communications Center records/tapes

(g) Media accounts (print and broadcast media)

427.12.1 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.

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427.13 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).

427.14 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department 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

428.1 PURPOSE AND SCOPE

This policy provides members of the Marin 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.

428.1.1 PROCEDURES

There are no procedures associated with this policy.

428.2 POLICY

The Marin County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

428.3 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.

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428.4 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 court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

(a) The person’s knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

428.4.1 STANDBY REQUESTS

A deputy responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

428.5 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.

428.6 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

429.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

429.1.1 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, 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.

429.1.2 PROCEDURES

There are no procedures associated with this policy.

429.2 POLICY

The Marin 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.

429.3 RESPONSIBILITIES

The Investigations Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigations Division Supervisor include, but are not limited to:

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(a) Remaining familiar with those databases available to the Department 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 Department.

(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 and the Sheriff's Office liaison at the Northern California Regional Intelligence Center (NCRIC).

429.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action. Any professional staff 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 report documenting the suspicious activity 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 in a separate report and not included in the original incident report. A SAR should be processed as any other incident report.

429.5 HANDLING INFORMATION

The Investigations Division Supervisor will forward copies of SARs, in a timely manner, to the following:

- The Sheriff's Office liaison assigned to the Northern California Regional Intelligence Center (NCRIC)
- Crime Analysis Unit
- Other agencies when appropriate

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Medical Aid and Response

430.1 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.

430.1.1 PROCEDURES

Procedures Manual: 434.1 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION - PROCEDURES - Click to view procedures

430.2 POLICY

It is the policy of the Marin County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

430.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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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.

430.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

430.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person. If a family member is contacted, the deputy should be mindful of patient privacy laws.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

430.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention following a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

430.7 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 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

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430.7.1 AED USER RESPONSIBILITY

Members who are issued AEDs 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 shall be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

430.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use. Use is defined as the application of an AED pad or pads to a patient, regardless of whether a shock was advised or delivered.

430.7.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100027.05).

430.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

Members should consider handcuffing and searching patients who they are treating for a possible opioid overdose as soon as practicable.

430.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

430.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Upon completing the medical assist, the deputy will submit a crime/incident report detailing the nature of the incident and the fact that the Naloxone was deployed. The report will be forwarded

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to the Marin County Sheriff's Office Naloxone Coordinator who will then forward the data to the Marin County Emergency Medical Services. These records must be completed for statistical value of the Naloxone program. The documents will be stored in the case files.

430.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100027.03 and any applicable POST standards (Civil Code § 1714.22).

430.8.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

430.8.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

430.9 USE OF TOURNIQUETS

Trained members may carry tourniquets for application in cases of uncontrolled bleeding (22 CCR 100014; 22 CCR 100017; 22 CCR 100018). Any member who applies a tourniquet should contact the Communications Center as soon as possible and request response by EMS.

A member may carry or apply a tourniquet only after receiving appropriate training from an approved public safety first aid and CPR course.

Any member using a tourniquet will complete an incident report detailing its use.

430.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

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430.10.1 HOSPITAL SECURITY AND CONTROL

Deputies who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with department protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Patrol Bureau Commander should develop protocols related to the following:

(a) Providing security and control during an examination or treatment, including:

1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)

(b) Responsibility for continuing security and control if the person in custody is admitted to the hospital

1. This should include transferring custody of the person to an appropriate agency.

430.11 FIRST-AID TRAINING

The Training Manager should ensure deputies receive initial first-aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

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Tarasoff Warning Policy

433.1 PURPOSE AND SCOPE

This policy provides guidelines for handling calls involving Tarasoff warnings.

433.1.1 PROCEDURES

There are no procedures associated with this policy.

433.2 POLICY

It shall be the policy of this department that upon receiving a Tarasoff warning from a psychotherapist pursuant to Civil Code § 43.92, a determination will be made if the victim or suspect lives in the jurisdiction of this department. If the victim, suspect, or both live in this department's jurisdiction, a deputy will be assigned to investigate the warning and prepare an incident report. If neither lives in this department’s jurisdiction, then the reporting party will be advised to call the appropriate law enforcement jurisdiction and make the required warning. An entry will be made by the Communications Center in the associated call record documenting the referral to the appropriate law enforcement agency.

433.3 INVESTIGATION

Upon receipt of Tarasoff warning from a psychotherapist, the Communications Center will assign the call to the appropriate beat deputy as a priority call. The assigned deputy will contact the reporting party by phone or in person.

If the intended victim and/or the suspect live in this department's jurisdiction, the deputy shall investigate the warning, learning of specific threatening language, methods to be used, locations of intended attacks, and any other information pertinent to the threat, such as the suspect’s state of mind and psychological background. If neither the suspect nor the intended victim live in this department's jurisdiction, the deputy will advise the reporting party to call the appropriate law enforcement jurisdiction to make the warning.

The deputy shall conduct follow-up investigation to determine the suspect’s criminal background, if any, vehicles or weapons registered to the suspect, and any other officer safety related information.

If there is a threat of use of any weapon, threat of suicide, or any articulated threats to the public or law enforcement the deputy may request the issuance of a radio broadcast or teletype all point bulletin for Marin County law enforcement. The deputy will ensure that a sergeant is briefed on the warning. Sergeants will ensure that subsequent shifts are briefed on the warning.

433.3.1 REPORTING

The deputy shall prepare an incident report detailing the information revealed in the investigation. The incident report shall be completed and submitted for approval by the end of the assigned deputy’s shift.

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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 department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.1.1 PROCEDURES

There are no procedures associated with this policy.

500.2 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Vehicle Code § 41603). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.2.1 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.

500.2.2 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

500.2.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter

(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

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(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

500.3 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the deputy. The deputy shall verbally advise the traffic violator of the suspension or revocation and issue the citation.

500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.4.1 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.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

Every member of this department who has been issued a high-visibility vest for use in their assignment shall maintain his/her vest in a serviceable condition. Every member of this department who has been issued a high-visibility vest for use in their assignment shall ensure he/she has his/her vest prior to the start of each shift and that it is in serviceable condition.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Manager 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

The California Highway Patrol is the agency primarily responsible for investigating and documenting traffic collisions which occur in Marin County Sheriff's Office jurisdiction. The California Highway Patrol is not obligated to take reports for traffic collisions which do not involve injury and occur on private property.

In limited circumstances, the Marin County Sheriff's Office prepares non-injury traffic collision reports which occur on private property and as a public service makes those traffic collision reports available to the community with some exceptions.

501.1.1 PROCEDURES

There are no procedures associated with this policy.

501.2 PRIVATE PROPERTY NON-INJURY TRAFFIC COLLISION REPORTING

Deputies are not required to take non-injury traffic collision reports which occur on private property, but may do so if the deputy determines it is necessary. Deputies should facilitate a peaceful exchange of driver's license, license plate and insurance information between the involved drivers. Any deputy who takes a non-injury traffic collision report that occurs on private property shall make that report in accordance with standard incident reporting procedures.

501.3 OTHER REPORTING SITUATIONS

501.3.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. When a department vehicle is involved in an accident, the involved personnel shall request a supervisor respond to the scene and request the CHP or the local allied agency to complete an accident report. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Bureau Commander.

Photographs of the collision scene and vehicle damage shall be taken and submitted as evidence.

501.3.2 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Any deputy who responds to and assists in any significant way at the scene of a traffic collision that occurs on a roadway or highway within the County of Marin shall document their actions in an incident report under the following circumstances:

1. The collision involves a fatality.
2. The driver of any vehicle involved in the collision is suspected of or arrested for driving under the influence of drugs or alcohol.
3. The formal documentation of the deputy's involvement could assist with the collision investigation or any subsequent prosecution.

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Providing traffic control is not considered assistance that would normally necessitate a report under this section.

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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 Marin County Sheriff's Office. Nothing in this policy shall require the Department to tow a vehicle.

502.1.1 DEFINITIONS

Storage - When a motor vehicle is stored in a commercial, licensed facility for safe keeping (i.e., when the driver is in custody or is incapacitated due to intoxication, illness or injury). Storage also occurs when a motor vehicle is removed from private property at the request of the property owner or when a motor vehicle is removed from a street/highway pursuant to Vehicle Code § 22651.

Impound - When a motor vehicle is taken as evidence pursuant to Vehicle Code § 22655.5.

Release - Department authorization for a tow company to release a vehicle.

502.1.2 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

See attachment: CHP 180 Guide.pdf

See attachment: CVC 14602.7 Procedure.pdf

502.2 STORAGE AND IMPOUNDS

When an employee determines a vehicle must be towed and stored because it is blocking a roadway, a driveway, or presents some other type of hazard, the employee should make a reasonable effort to contact the registered owner and attempt to have the vehicle moved in lieu of being towed. If the vehicle is being towed and stored for any other reason such as parking or registration violations, the handling employee does not need to notify the registered owner prior to the tow. Notification of vehicle owners whose vehicles are in violation of the 72-Hour parking ordinance shall be notified pursuant to the procedures set forth in the 72-Hour Parking Violations and Vehicle Abatements policy.

Any employee who tows a vehicle, vessel or trailer pursuant to this policy shall utilize a tow firm from the rotational tow list maintained by the Communications Center unless the tow meets the criteria as outlined in section 502.3 Department Towing Services.

Vehicles will only be impounded when they are evidence of a crime pursuant to Vehicle Code § 22655.5. The towing of all other vehicles will be considered a storage, not an impound.

At the time of towing, an employee should not sign the vehicle release portion of the CHP 180 form. The owner, or his/her agent, should obtain a vehicle release from the Documentary Services Division.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

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502.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Documentary Services Division 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 it is appropriate for a deputy to have the vehicle removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the deputy shall request a tow from the rotational list of towing companies in the Communications Center. The deputy will then store the vehicle using a CHP 180 form.

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 department to provide reasonable safekeeping by storing the arrestee’s vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

502.2.4 DRIVING A NON-DEPARTMENT VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

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502.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

502.2.6 STOLEN VEHICLE SYSTEM (SVS) ENTRY

Communications Center personnel shall promptly enter the vehicle, vessel, or trailer into the Stolen Vehicle System once the vehicle has been removed by the towing firm (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Upon receipt, the Documentary Services Division shall promptly scan and place approved CHP 180 forms 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 Documentary Services Division to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), 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 Department

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage

(c) The authority and purpose for the removal of the vehicle

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice

502.3 DEPARTMENT TOWING SERVICES

The Marin County Sheriff's Office will use whichever tow firm the County of Marin Department of Public Works selects to act as the official tow service for the Department. This firm will be used in the following situations:

(a) When a vehicle is being held as evidence in connection with an investigation.

(b) When a department vehicle needs to be towed because it has been involved in an accident or is otherwise disabled.

(c) When the circumstances of the tow necessitate resources not available by the tow firms on the rotational tow list (e.g., private property tows, unusually large vehicles, etc.).

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502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the CHP 180 form. This includes the trunk and any compartments or containers, even if closed and/or locked. If an employee cannot access the trunk of a vehicle due to it being locked, and accessing the trunk would cause damage to the vehicle, employees shall document that fact in their vehicle tow report and on the CHP 180 form. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Department against fraudulent claims of lost, stolen, or damaged property. Employees conducting an inventory of a vehicle should take photos of the vehicle and any property inside in addition to documenting those items on the CHP 180 form and in their vehicle tow report. Any photographs that are taken shall be submitted into evidence.

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 Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Codes § 22850 and 22651(o) shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver’s license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver’s license, and applicable fees paid. No vehicle removed under this section will be impounded and held for a period of 30 days if the owner or his/her agent is able to provide the items listed in this section.

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(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 towed in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

502.7 ROTATIONAL TOW POLICY

In order to provide an equitable method of utilizing tow companies, the Marin County Sheriff's Office will use the services of qualified companies on a rotational basis. All requests for tow trucks initiated by employees of this department will be made by utilizing the rotational tow list unless the tow meets the criteria as set forth in section 502.3 Department Towing Services.

502.8 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 Storage and 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.

503.1.1 PROCEDURES

There are no procedures associated with this policy.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Marin County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)). A Patrol Division Watch Commander will act as the hearing officer.

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 person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department (Vehicle Code § 22650).

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)). The hearing officer shall document his/her decision in a supplemental report to the original tow report.

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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 where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to Fiscal Services. The hearing officer will request that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who are involved in the detection and investigation of driving under the influence (DUI).

504.1.1 PROCEDURES

There are no procedures associated with this policy.

504.2 POLICY

The Marin 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 INVESTIGATION AND REPORTING

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 California Highway Patrolhas developed and maintains 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 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.

When a deputy encounters a suspected impaired driver he/she shall select from one of two options to complete the investigation: The deputy shall conduct a DUI investigation and make an arrest when appropriate or the deputy will request an officer from the California Highway Patrol (CHP) respond for a DUI turnover.

504.3.1 DRIVING UNDER THE INFLUENCE (DUI) INVESTIGATION.

A deputy who conducts his/her own DUI investigation should complete the following steps as part of his/her investigation:

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(a) Complete the questionnaire from the CHP 202 form prior to administering the Field Sobriety Tests (FSTs).

(b) Conduct FSTs that are recommended / recognized by the California Highway Patrol and / or the National Highway Traffic Safety Administration (NHTSA).

(c) Complete a Preliminary Alcohol Screening (PAS) test to include a PAS Admonition as recommended by California Highway Patrol or the Marin County District Attorney's Office.

(d) If probable cause exists to believe a violation of DUI has occurred, the deputy should arrest the suspect.

(e) If the driver is arrested, the deputy shall facilitate the admonishment of a chemical test to the arrestee.

(f) If the driver is arrested, the deputy shall complete a CA Department of Motor Vehicles (DMV) Form DS-367 (Implied consent) and provide a copy to the arrestee.

When an arrest is made, the deputy shall complete a report that includes, at minimum, the following:

(a) All required vehicle and personal information of the arrested person and any passengers and/or witnesses present.

(b) All driving observations, including the basis for the stop.

(c) Objective symptoms of impairment displayed by the driver.

(d) Any statements made by the driver.

(e) Description and results of all FSTs.

(f) Chemical test administered and results if known.

(g) Completed CHP Form 202 (DUI Investigation).

(h) Completed DMV Form DS-367 (Implied consent).

504.3.2 CALIFORNIA HIGHWAY PATROL (CHP) TURNOVER

It is a common practice for deputies who have encountered a possibly impaired driver to request a unit from CHP respond and take over the investigation. This practice is known as a DUI turnover or CHP turnover. Any deputy requesting CHP respond to their location to for a turnover shall consider the response time of the CHP unit when determining if a turnover is appropriate. In cases where the response time is extended, the deputy shall complete the DUI investigation themselves. When CHP can respond and arrive within a reasonable amount of time, the deputy shall complete the following:

(a) Advise the CHP of the driving that was observed, the probable cause for the traffic stop or contact, the objective symptoms of impairment displayed by the driver, and the demeanor of the driver and occupants.

(b) Remain at the scene while the CHP conducts a DUI investigation.

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Should the CHP make an arrest based on the deputy's stop the deputy shall complete a report that shall include, at minimum, the following:

(a) All required vehicle and personal information of the arrested person.

(b) All driving observations, including the basis for the stop.

(c) Objective symptoms of impairment displayed by the driver.

(d) Any statements made by the driver.

(e) The CHP officers name(s) conducting the investigation.

(f) Related CHP case number/citation number.

504.4 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by a deputy having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by a deputy having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.4.1 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).

504.4.2 PRELIMINARY ALCOHOL SCREENING

Deputies may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The deputy shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

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504.4.3 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If a deputy lawfully detains a person under 21 years of age who is driving a motor vehicle and the deputy has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the deputy shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the deputy may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.4.4 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)).

504.4.5 BREATH SAMPLES

The Department 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 California Highway Patrol.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The deputy should also require the person to submit to a blood test if the deputy has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the deputy’s belief shall be included in the deputy’s report (Vehicle Code § 23612(a)(2)(C)).

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504.4.6 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.4.7 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

504.5 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.

504.5.1 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)).

504.5.2 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).

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(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.

504.5.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.6 ARREST AND INVESTIGATION

504.6.1 WARRANTLESS ARREST

In addition to the arrest authority granted to deputies pursuant to Penal Code § 836, a deputy may make a warrantless arrest of a person that the deputy has reasonable cause to believe has been

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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.

504.6.2 DEPUTY RESPONSIBILITIES

The deputy serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

504.7 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.7 DOCUMENTARY SERVICES DIVISION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.8 TRAINING

The Training Manager should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

Field Training Sergeants in the Patrol Division shall ensure all newly assigned deputies are properly trained and efficient in the detection, investigation and enforcement of DUI laws.

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Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations including the procedure for dismissal, correction, and voiding of traffic citations.

505.1.1 PROCEDURES

There are no procedures associated with this policy.

505.2 RESPONSIBILITIES

The Parking Enforcement Unit shall be responsible for ensuring that all department traffic and parking citations are in compliance with state law and the Judicial Council.

The Parking Enforcement Unit shall be responsible for the supply and accounting of all traffic and parking citations issued to employees of this department.

505.3 DISMISSAL OF CITATIONS

Employees of this department do not have the authority to dismiss a traffic 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 recipient who requests a dismissal of a traffic citation shall be referred to the Marin County Superior Court Traffic Division.

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.

Parking citations may be dismissed by the issuing deputy or employee only when it is determined the citation was issued in error. Any deputy who issues a parking citation and subsequently learns the citation was issued in error shall contact the Parking Enforcement Unit and request the citation be dismissed.

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. All copies of a voided traffic citation shall be destroyed by the issuing deputy.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall complete the Notice Of Correction And Proof Of Service form (Vehicle Code § 40505). The deputy shall route the completed form and the citation to his/her immediate supervisor who shall review it and then route it to Documentary Services for processing.

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505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with Documentary Services Division.

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 a Watch Commander who will review written/ documentary data. Requests for administrative reviews are available by contacting the Department in person, by phone or by mail and requesting such a review.

(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. Administrative hearings are conducted by the Marin County District Attorney's Office Consumer Protection Unit.

(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 Marin County Superior Court.

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

A juvenile traffic citation for an infraction is completed in the same manner as it is for an adult including the issuance of a court date and time.

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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.

506.1.1 PROCEDURES

There are no procedures associated with this policy.

506.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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72-Hour Parking Violations and Vehicle Abatements

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, removal, and storage of vehicles parked in violation of the Marin County Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22651, 22660, 22661, and 22669.

507.1.1 PROCEDURES

There are no procedures associated with this policy.

507.2 MARKING VEHICLES FOR ABATEMENT

Vehicles suspected of being in violation of the County of Marin 72-Hour Parking Ordinance (Marin County Code 15.36.030) shall be tagged with a Marin County Sheriff's Office vehicle abatement tag. The deputy or Parking Enforcement Officer (PEO) tagging the vehicle shall include the incident number on both portions of the vehicle abatement tag.The bottom portion of the abatement tag shall be placed in a conspicuous location on the vehicle so as to be readily visible upon the driver's return to the vehicle. The vehicle abatement tag shall provide notice advising of Marin County Ordinance 15.36.030 and Vehicle Code § 22651(k) prohibiting parking in excess of 72 hours.

The deputy or PEO shall mark the vehicle's tires in such a manner as to indicate upon their return whether or not the vehicle has been moved. When possible, the deputy or PEO should mark more than one tire using chalk, placing an item (such as a rock or penny) on the top of the tire(s), or otherwise noting the vehicle position on the vehicle abatement tag so that a determination can be made by another deputy or PEO as to whether or not the vehicle has moved. The manner in which the vehicle was marked shall be noted on the top portion of the vehicle abatement tag.

If a tagged vehicle has been moved prior to the end of the 72 hour warning period, the deputy or PEO shall document that fact by initiating a Vehicle Recheck incident with the Communications Center. The Vehicle Recheck incident will be cross referenced with the original Vehicle Abatement incident. The fact that the vehicle has moved shall be documented in the disposition of the Vehicle Recheck incident. If the vehicle abatement tag has been removed, but the tire markings are still in place indicating the vehicle has not moved, the vehicle shall be considered in violation of Marin County Code 15.36.030 and Vehicle Code § 22651(k) and may be towed if the 72 hour warning period has elapsed.

Vehicles that are repeat violators of the above referenced code sections by ignoring the vehicle abatement tags or by moving the vehicle a short distance need not have subsequent vehicle abatement tags affixed to the vehicle. Instead, the vehicle shall be marked in a surreptitious manner that provides proof that the vehicle has not been moved in 72 hours.

Vehicles that are parked, resting or otherwise immobilized on any roadway or public right of way, and lack an engine, transmission, wheel, tire, door, windshield or any other part or equipment

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necessary to operate safely are considered to be a hazard to public health, safety and welfare and may be removed immediately per Vehicle Code § 22669.

507.2.1 VEHICLE ABATEMENT TAGS AND RESPONSIBILITY

The tagging of reported abandoned vehicles, the subsequent follow up checks on those vehicles to determine if they have moved and the towing or citing of vehicles found to be in violation shall be managed by individual patrol beat. The deputy working any particular beat shall be responsible for tagging, checking and towing abandoned vehicles as time permits in his/her shift. PEOs may also assist in this endeavor as time permits in their shift.

507.2.2 VEHICLE STORAGE

Any deputy or PEO who causes a vehicle, vessel or trailer to be towed and stored pursuant to this policy shall complete a CHP 180 form as well as an incident report documenting the circumstances of the tow and storage of the vehicle. A separate CHP 180 form shall be completed for each vehicle, vessel and trailer that is towed and stored. When possible, the mileage shall be accurately recorded on the CHP 180 form (Vehicle Code § 22850). It is recognized that stored or impounded vehicles often contain property of value or effects of personal importance. To ensure against claims of lost, stolen, or vandalized property, a complete and accurate inventory shall be taken of all property in all stored and impounded vehicles. Whenever possible, inventories should be conducted of closed containers whose contents cannot be determined through an examination of the exterior.

A copy of the CHP 180 form should to be given to the tow truck operator and the original shall be submitted to Documentary Services as soon as practicable after the vehicle is stored. Communications Division shall promptly enter the vehicle, vessel or trailer into the Stolen Vehicle System (SVS) (Vehicle Code § 22852, Vehicle Code 22853, Vehicle Code § 22854.5). Upon receipt, Documentary Services shall promptly scan and place the approved CHP 180 form 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 Documentary Services to mail the Notice of Stored Vehicle to the registered and legal owners as listed on the CHP 180 form. The notice shall be sent to all such individuals by first-class mail and shall include the following information (Vehicle Code §22852):

(a) The name, address, and telephone number of the Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the vehicle name or make, the manufacturer, the Vehicle Identification Number (VIN), the license plate number and the mileage. When applicable and available, the vessel registration number (CF number) and Hull Identification Number (HIN) shall be included on the CHP 180.

(c) 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.

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507.3 PRIVATE PROPERTY TOW VEHICLE ABATEMENT

Private property abatements shall be conducted at the discretion of the Vehicle Abatement Coordinator. The Department shall not be obligated beyond the requirements of the Vehicle Code or Marin County Code to remove any vehicle, vessel or trailer from private property. If it is determined by the Vehicle Abatement Coordinator that the Department will abate the vehicle, the responding deputy or PEO shall conduct the private property tow in accordance with Vehicle Code § 22661 and Marin County Code § 7.56 as follows:

When the Department receives a request for a vehicle to be abated from private property, the responding deputy or PEO shall determine if the property owner owns the vehicle. If the property owner is the registered owner of the vehicle and the vehicle is determined to be inoperable per Vehicle Code § 22669(d), the deputy or PEO shall provide a Marin County Sheriff's Office Private Property Abatement form and a Tow For Destruction form for the property owner to complete (Vehicle Code § 22661). If the deputy or PEO determines the vehicle falls within the provisions of Vehicle Code § 22669(d), he/she shall arrange for the vehicle to be towed for destruction. The deputy or PEO shall complete a CHP 180 form for each abated vehicle. If applicable, a DMV REG 462 (junk slip) shall be completed and provided to the tow company upon request if 15 days has elapsed from the date of the tow (Vehicle Code § 22669, Vehicle Code § 22851.2, Vehicle Code § 22851.3, and Marin County Code § 7.56).

If the property owner does not own the vehicle, the deputy or PEO shall determine whether the property owner has made reasonable attempts to contact the owner of the vehicle to request its removal. If the property owner has been unable to contact the owner of the vehicle and the deputy or PEO determines the abatement will be conducted, the deputy or PEO shall follow the below abatement procedures when conducting a private property tow (Vehicle Code § 22660, Vehicle Code § 22661, CVC 22669 and Marin County Code chapter 7.56).

(a) The deputy or PEO shall provide a Marin County Sheriff’s Office Private Property Abatement form to the property owner prior to entering the property to tag the vehicle for abatement.

(b) The deputy or PEO shall affix a vehicle abatement tag in a conspicuous place on the vehicle, noting the incident number on both portions of the tag. The deputy or PEO shall post a 10 Day Notice of Intention to Remove Vehicle in a conspicuous location on the vehicle, and shall mail a copy of the 10 Day Notice to the registered owner via first class US mail (Vehicle Code § 22660, 22661, and Marin County Code § 7.56).

(c) If the vehicle has not been removed prior to or on the date of expiration of the 10 Day Notice, and no Hearing has been requested, the deputy or PEO shall schedule a tow company to abate the vehicle. The deputy or PEO shall complete a CHP 180 form and any other applicable forms at the time of the tow. The CHP 180 form, Marin County Sheriff's Office Private Property Abatement form and any other pertinent documentation shall be submitted with the incident report.

(d) A case number is not required until such time as the vehicle is towed.

A public nuisance abatement complaint may be forwarded to the Marin County Community Development Agency (CDA) for follow up at the discretion of the abatement coordinator. If the

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CDA requests assistance from this department in removing the vehicle(s), the handling deputy or PEO shall follow the appropriate procedures and notifications prior to towing the vehicle(s) as outlined in the Marin County Code § 7.56.

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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.

600.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

See attachment: Electronic Device Search Waiver.pdf

600.2 POLICY

It is the policy of the Marin 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 or obtaining, at a minimum:
    (a) An initial statement from any witnesses or complainants.
    (b) A cursory examination for evidence.

(b) If information indicates a crime has occurred, the deputy shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

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600.3.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES

A professional staff 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.

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 Division 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.

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(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.

The Department 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.

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(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

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 department. 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 department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-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 department 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 the consent of the third party unless pursuant to the service of a search warrant or according to

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the terms of the third party's probation/parole terms. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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 Bureau Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.
2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
3. Training requirements necessary for those authorized employees.
4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
5. Process and time period system audits.
6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

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Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

600.10 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Marin County Sheriff's Office reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

(a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigations Division 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 Documentary Services Division Policy for additional guidance.

600.11 MODIFICATION OF CHARGES FILED

Any request to modify charges or to recommend dismissal of charges shall be made to the prosecutor with the use of a supplemental report. The member shall document in his or her supplemental report the reason for the modification and/or request for dismissal of charges. Any such request submitted in a supplemental report shall be routed to an Investigations Division Supervisor prior to being routed 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 Department as lost or stolen, the Investigations Division 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

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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 Department (Penal Code § 28220).

600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigations Division 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 Department 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 Documentary Services Division for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Documentary Services Division 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.

601.1.2 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: MCSO Guide for Investigating Child Sexual Abuse Cases.pdf

Click the following link for: Marin SART Protocol 2020.pdf

601.2 POLICY

It is the policy of the Marin 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 for cases that require more in depth investigation than that typically done at the patrol level.

(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.

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(e) Provide referrals to victim advocates.

(f) Participate in or coordinate with SART.

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and forwarded to the Investigations Division for follow-up investigation if needed. 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 the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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.

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 his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

When the facts of the case indicate that biological evidence may be present, members investigating a sexual assault shall take steps to collect that evidence. Members should consult the appropriate crime scene investigators, sexual assault forensic examiners, or sexual assault nurse examiners when questions arise as to the possibility that biological evidence may or may not exist due to the amount of time that has passed since the assault.

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

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).

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If the assigned deputy determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the deputy shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned deputy shall continue to update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned deputy shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.6.2 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).

    1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

    2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) 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.

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3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned deputy informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No deputy shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.6.4 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property Room 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 Division supervisor.

601.8 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 Division 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.

601.9 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.

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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 establishes regulations and guidelines which will govern the Asset Forfeiture Program within the Marin County Sheriff's Office Specialized Investigative Unit (MCSO SIU).

The Asset Forfeiture Program derives its state statutory authority from the Health and Safety Code, Chapter 8 of Division 10, and its federal statutory authority from Title 21, United States Code, Section 881(e), Senate Bill 443 and other federal laws.

602.1.1 PROCEDURES

There are no procedures associated with this policy.

602.2 POLICY

The Marin 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 Marin 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 FORFEITURE ACCOUNTABILITY

The MCSO SIU Commander, Marin County District Attorney’s Office, and the United States Department of Justice shall establish procedures and guidelines for seizing assets for forfeiture, processing forfeiture requests, receiving forfeiture proceeds, and distributing forfeiture proceeds to member agencies. These procedures shall comply with applicable state and federal forfeiture laws. The MCSO SIU Commander, in conjunction with the Marin County District Attorney’s Office, shall develop internal procedures and systems for accounting, tracking, and the monitoring of current, pending, and past forfeitures.

602.4 REAL ESTATE SEIZURE CRITERIA

Prior to the seizure of any real property, there shall be a property appraisal and determination of equity. In most real property forfeitures, equity available for forfeiture should exceed the minimum limit set by the Marin County District Attorney’s Office or the United States Department of Justice.

The following procedures shall be followed in the event of real estate seizures:

1. Approval shall be obtained from the local, state or federal asset forfeiture attorney before any real property seizure is initiated.
2. Prior to the initiation of forfeiture proceedings against real property, there shall be a property appraisal and determination of equity.
3. Review of probable cause, appraised value of the real estate, and equity for seizure acceptability shall be done by the Commander or Assistant Commander. Serious

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consideration should be utilized with respect to the equity value of the real estate and costs associated with safeguarding the value of the seized property.

4. Request a Preliminary Title Search (property profile) from a local title company.
5. The local, state or federal asset forfeiture attorney will request a hearing to determine if a seizure is necessary to preserve the property pending the outcome of the proceedings.
6. The local, state, or federal asset forfeiture attorney may record a lis pendens on the real estate.
7. File appropriate documentation in the criminal and/or financial case file.

602.5 ASSET SEIZURE PRIMARY CRITERIA

The following items are subject to seizure per Health and Safety Code § 11470:

1. All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this division.
2. All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this division.
3. All property except real property or boats, airplanes, or any vehicle which is used, or intended for use, as a container for property described in subdivision (a) or (b).
4. All books, records, and research products and materials, including formulas, microfilm, tapes and data which are used, or intended for use, in violation of this division.
5. The interest of any registered owner of a boat, airplane, or any vehicle other than an implement of husbandry, which has been used as an instrument to facilitate the manufacture, or possession for sale of 14.25 grams (one-half ounce) or more of heroin or cocaine base; 28.50 grams (one ounce) or more of a Schedule I substance; 10 pounds dry weight or more of Marijuana, Peyote or Psilocybin (mushrooms); 28.5 grams (one ounce) of pure cocaine HCL or pure methamphetamine; 57 grams (two ounces) of a substance containing cocaine HCL or methamphetamine; or 28.5 grams (one ounce) of a Schedule II substance. The vehicle may not be seized if it is the only vehicle available to the family.
6. All monies, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all monies, negotiable instruments, or securities used or intended to be used to facilitate any violation of possession for sale or manufacture of a controlled substance or conspiracy to commit possession for sale or manufacture of a controlled substance. Seizure must occur within five years of the offense that is the basis for the forfeiture.
7. The real property of any property owner who is convicted of violating Health and Safety Code § 11366 - maintaining a place or unlawfully providing controlled substances; Health and Safety Code § 11366.5 - place for manufacturing or providing controlled substance; Health and Safety Code § 11366.6 - utilizing building designed to suppress entry. However, property which is used as a family residence or for other lawful

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purposes, or which is owned by two or more persons, one of whom had no knowledge of its unlawful use, shall not be subject to forfeiture.

The primary objective for initiating a financial investigation, or asset seizure, is the negative effect on the violator's criminal enterprise and disruption to criminal activity. MCSO SIU personnel should consider the appraised and or face value of the asset in determining whether to seize it.

The Marin County District Attorney's Office and the United States Department of Justice may establish additional criteria for seizing currency, negotiable instruments, securities, vehicles, and other personal property assets. The MCSO SIU will comply with the Marin County District Attorney's Office and the United States Department of Justice asset forfeiture/seizure guidelines.

602.6 SEIZURE OF POSSIBLY CONTAMINATED ASSETS

MCSO SIU personnel should exercise caution before seizing any asset which may be contaminated by accidental or intentional storage or disposal of hazardous materials. Examples of potentially contaminated assets include vehicles, motor homes, or real property associated with clandestine laboratories, warehouses, dry cleaning establishments, or any facility which may have underground storage tanks, such as gas stations or farms. Seizure of such contaminated assets may require the MCSO SIU to neutralize the contamination or clean up the site.

If contamination is suspected, a health appraisal should be obtained prior to seizure. Written approval of the MCSO SIU Commander is required prior to seizure of any asset known or believed to be contaminated.

602.7 CASH SEIZURES

The following procedures shall be followed in the event of cash seizures:

1. Any detective, deputy, agent, or officer finding currency shall immediately contact the MCSO SIU Commander, Assistant MCSO SIU Commander, or Asset Forfeiture Investigator to notify them of the seizure.
2. Photograph money where found.
3. Absent exigent circumstances, cash (United States currency), seizures should not be counted at the scene by the seizing agent. Funds shall be secured in a sealed container and removed to a more secure location for immediate counting and storage. The MCSO SIU Commander or Assistant MCSO SIU Commander shall retain possession of the seized currency until a full and accurate count is obtained. This information shall be documented in the criminal report. A Property Receipt will be prepared and signed.
4. In every instance where currency is seized, the following procedures shall be followed in securing and transporting the currency:
    (a) Where possible, the currency shall also be processed for evidentiary value, i.e., narcotics detection dogs, retention of packaging materials and wrappers.
    (b) The currency shall be placed into a container and sealed.
    (c) If more than one container, the containers shall have individual numbers or descriptors. This will allow for the container number or descriptors to be listed

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on the Property Receipt. This will also allow for subsequent verification of the number of containers seized and subsequently processed at a secure location.

(d) After the currency has been placed into the sealed containers, the containers shall be stored within the safe at the MCSO SIU office or a secured location within the Marin County Sheriff's Office Emergency Operations Facility (EOF) or other affiliated law enforcement agency. Under no circumstances are the containers to be transported to any other location, including a detective's residence or other off-duty location. The MCSO SIU Commander or Assistant MCSO SIU Commander should be present during transportation of the currency.

5. As soon as possible, if the currency will not be held as evidence, regardless of the amount, the MCSO SIU Commander or Assistant MCSO SIU Commander shall direct that the currency be deposited in the bank. All other negotiable instruments shall be converted and deposited as soon as possible. If the cash is held as evidence, it should be held in a manner consistent with MCSO SIU evidence policy.

6. Currency seized pursuant to search warrant must have a court order or special wording releasing funds to be deposited into an interest bearing Asset Forfeiture Litigation account.

   (a) Authority to release the funds can be included in the original search warrant, providing prior authorization is obtained from the local district attorney's office.

   (b) If needed, the detectives shall prepare and obtain a release or an "Order for Conversion" to remove the currency from the jurisdiction of the search warrant and the court.

7. A copy of the cashier's check, currency deposit receipt or transfer receipt will be placed in the criminal and/or financial case file.

8. All aspects of the seizure(s) including the amount seized, who seized the asset, when and why the asset was seized and chain of custody will be documented in the MCSO SIU investigative report.

602.8 VEHICLE SEIZURES

The following procedures shall be followed in the event of vehicle seizures:

1. Immediately upon seizure of a vehicle, a property receipt will be prepared, and the seizing detective shall conduct an inventory of the vehicle. The contents of the vehicle must be itemized on the Vehicle Seizure Record.

2. Transport the vehicle to a storage location. The storage location must be secured and will safeguard the value of the seized vehicle.

3. Prepare a work sheet to calculate the equity in the asset. Determine if the equity is at or above the minimum state or federal requirements to seize the asset.

   (a) Review of probable cause, assessed value of vehicle, and equity for seizure acceptability should be done by the MCSO SIU Commander or the authorized designee. Serious consideration should be given to the equity value if the vehicle is in need of major repairs.

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(b) If not acceptable for seizure, return the vehicle to the registered owner. Contact may be made with the legal owner/lien holder as appropriate.

(c) If the vehicle is returned, prepare a Property Receipt and have the receiving party, legal owner or lien holder sign receipt. Give a copy of the Property Receipt to the receiving party and retain the original in the MCSO SIU criminal and/or financial case. Photos shall be taken just prior to release of the vehicle for documentation purposes and a supplemental report shall be taken as well.

4. Pictures shall be taken of both sides, the front and the back of the vehicles by the detective. The original photos or digital image transferred to disk should be placed in evidence. The investigative report will document who took the photographs, what assets were photographed, and when and where the photographs were taken. Close-up pictures should be taken of any damaged areas.

5. Enter the vehicle into the DOJ Stolen Vehicle System as a stored vehicle.

6. A Vehicle License & Title (VLT) Courtesy Stop Request (CSR) should be requested through the Department of Motor Vehicles (DMV) on a vehicle pending forfeiture.

7. If the vehicle is to be sold for proceeds, have the vehicle transported to the appropriate facility pending forfeiture.

8. File appropriate vehicle documentation in the criminal and/or financial case file.

602.8.1 VEHICLE SEIZURE RECORD

A CHP 180 form or a MCSO SIU Vehicle Seizure Record shall be prepared in duplicate, not more than three working days following the seizure of the vehicle. If the forfeiture is to be under federal law, use the forms required by the federal agency. If more space is needed for the description of the vehicle, such as an aircraft or a vessel, prepare the required information on a sheet of white bond paper and attach it to the seizure form. Distribution of the CHP 180 form or the Vehicle Seizure Record shall be as follows:

Original to the financial case file, if appropriate and a copy to the criminal case file.

Copies shall be sent to the original owner, the legal owner, and the person from whom the vehicle was removed.

Attach a copy to the appropriate forfeiture processing documents and send to the prosecutor.

1. In determining the appraised value, the wholesale value must be given. As an aid in making the determination of value, an “official used car guide” (Kelly Blue Book Auto Market Report) may be used. It may also be appropriate to inquire of a reputable dealer as to the value of the vehicle.

2. The amount of the lien must be given. It is important that this information be known to assist in determining if the forfeiture proceedings shall continue and in determining legitimate lien holders with interest in the vehicle. Such terms as “unknown” and “unavailable” are not acceptable.

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3. In the “Probable Cause for Seizure” section, the seizing detective shall briefly state the facts to establish probable cause for seizure. These facts may be different from the probable cause for arrest of a violator or the issuance of a search warrant.
4. The seizing detective shall complete the “Equipment, Accessories and Condition of Vehicle” section. This is necessary in order to properly describe and appraise the value of the vehicle. It also assists in determining changes and condition of the vehicle if forfeiture is not granted and the vehicle must be returned. Indicate the vehicle’s overall condition including the condition of the tires and upholstery.

602.8.2 VEHICLE STORAGE AND CONTENTS INVENTORY

If at the time of seizure there are personal items of value in the vehicle, the seizing detective shall conduct an inventory of the personal items and make every effort to return the items to the violator at the scene or to dispose of the items immediately, in conformance with the request of the suspect. If it becomes necessary to seize the contents of the vehicle, loose items of value should be removed from the vehicle prior to storage. These personal items should be secured at the MCSO SIU office or the Marin County Sheriff's Office Emergency Operations Facility (EOF) or other affiliated law enforcement agency. The chain of custody and location where these items are secured should be noted in the appropriate arrest/investigation reports.

602.8.3 TRANSPORTING A SEIZED VEHICLE

The most expeditious manner of transporting a seized vehicle from the scene of the seizure may be to have the vehicle towed to a preliminary holding area, such as a police department, or to the designated storage area. Where towing the vehicle is impractical, a detective or police officer may drive the vehicle from the scene. This does not preclude the lead detective or supervisor, at his/her discretion, from making other arrangements where appropriate under the given circumstances.

If the MCSO SIU Commander determines that the vehicle will not be placed into service (under federal law) and the vehicle will be sold (after forfeiture) pursuant to contract for the storage and sale of forfeited assets, the seizing detective may store the vehicle at the Drug Enforcement Administration (DEA) Santa Rosa Office.

602.8.4 STORAGE OF SEIZED VEHICLES

The MCSO SIU Commander should designate at least one vehicle storage site. The storage site(s) should be selected based on the following criteria:

1. Good security, with minimum or no public access;
2. 24-hour law enforcement access, if possible;
3. Enclosed to protect the vehicle from the elements when possible;
4. Reasonable storage rate.

Seized vehicles should generally be stored at the designated storage site. If there is an equally adequate storage facility available locally, the seized vehicle may be stored at a site other than the designated site. The MCSO SIU Commander shall approve all storage at a site other than the designated site.

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The seized vehicle should be prepared for storage by removing the hubcaps and other removable equipment items and securing them in the trunk. The keys to the stored vehicle should remain in the custody of the responsible person at the storage site.

602.8.5 SEIZED VEHICLE REPAIR
Any repairs to the vehicle must be submitted to the MCSO SIU Commander for approval.

602.9 PERSONAL PROPERTY SEIZURES

Personal assets seized for forfeitures shall be secured, as soon as practical, in the SIU evidence area. These assets shall not be transported to a detective's residence or any other off-duty location. Boats and airplanes must be processed as personal property.

All small seized assets which require continued storage shall be secured in the MCSO SIU's safe located at Marin County Sheriff's Office EOF facility. The MCSO SIU Commander, Assistant MCSO SIU Commander, and Special Investigations Assistant shall have the only access to the safe.

In the event the seized asset is too bulky it is to be secured at the MCSO SIU storage location. The MCSO SIU Commander shall designate a storage facility to be utilized, this facility will have limited access and have alarms and camera monitoring systems in place. All items seized should be photographed for documentary purposes. If the items seized are to be retained by a federal agency, or if some other authority is to manage the seizure, appropriate storage arrangements should be made so that the items are not retained by the MCSO SIU any longer than is necessary.

1. Immediately upon seizure of personal property, the seizing detective shall conduct an inventory of the assets noting condition, serial number, color, and detailed description on the Property Receipt. All jewelry should be described in generic terms, such as "yellow metal" and "colored stones". Photos should be taken of items where located and individual photos of items shall be taken detailing current condition.
2. Review of probable cause, appraised value of personal property, and equity for seizure acceptability should be done by the MCSO SIU Commander or Assistant MCSO SIU Commander.
    (a) If not acceptable for seizure, return the personal property to the owner and obtain a Property Release Signature Receipt from the receiving party; retain the original in the SIU office.
3. Pictures should be taken of the personal property seized by the detective. The original photos or digital images should be placed in evidence. The investigative report will include a description of the asset seized, who took the photograph and when and where the photograph was taken.
4. File appropriate documentation in the criminal/financial case file.

602.10 MULTIPLE SUSPECTS - ASSETS FOR EACH SUSPECT

If the criminal investigation reveals that more than one of the subjects has assets worth investigating, a separate case number may be issued for each subject, thereby keeping each individual's assets and financial dealings separate.

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602.11 BANK ACCOUNTS AND SAFE DEPOSIT BOXES

MCSO SIU detectives should utilize search warrants, subpoenas, and/or seizure orders for all bank or other financial institution accounts, bank records and safe deposit boxes. An appropriate document shall be used for seizure of all records and to gain access into safe deposit boxes. A seizure order shall be used to obtain account funds. The seizure order shall direct the financial institution to render the contents of the account to the detective serving the warrant in the form of a check made payable to the Marin County Sheriff's Office Specialized Investigative Unit Asset Forfeiture account.

602.12 PROPERTY ASSETS IN CONTROL OF A THIRD PARTY (OTHER THAN BANK ACCOUNTS AND SAFE DEPOSIT BOXES)

It is not necessary to physically seize assets, such as real estate, in order to have that particular asset alleged to be forfeitable. Health and Safety Code § 11488.4 and 11492 provide legal procedures for obtaining court orders (termed “protective orders”) to legally, but not physically, seize assets which the detective cannot, or should not, physically seize.

602.13 ASSET FORFEITURE DISPOSITION REQUIREMENTS

Upon completion of forfeiture, the disposition information shall be entered as a supplemental report into the associated case number/report. A copy of the court order shall be placed in the appropriate case file. The distribution directive shall be completed, distributed, and recorded into the tracking system maintained by the Special Investigations Assistant.

602.14 ASSET FORFEITURE TRACKING SYSTEM

The MCSO SIU Asset Forfeiture tracking system shall document the status of all assets in the forfeiture process from seizure to disposition, pursuant to investigations conducted by the MCSO SIU. This system is maintained by the Special Investigations Assistant.

602.15 LOGGING SEIZED ASSETS AS EVIDENCE

All items seized pursuant to a search warrant, regardless of the intent to seize the item for forfeiture purposes, must be logged into the evidence chain of custody until being released by the court pursuant to Penal Code § 1536. This release does not apply to cases where the search warrant and affidavit contain a clause which releases the item from the search warrant directly to the forfeiture process. After release from the search warrant, the item can be processed pursuant to asset forfeiture procedures.

602.16 ASSET FORFEITURE INFORMATION FILE

The MCSO SIU will maintain an Asset Forfeiture Information File. This file will contain copies of all current MCSO SIU and Marin County District Attorney’s Office memos and directives pertinent to asset forfeiture and financial investigations.

602.17 PROPERTY RECEIPT

A Property Receipt shall be issued for all transfers of property, in all incidents, where property is seized for forfeiture by MCSO SIU personnel or seized under search warrants.

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When the receipt is issued to a subject from whom property is seized or otherwise received, the name and address of the person from whom the property is received/seized shall be annotated. The seizing/receiving detective name shall also be annotated.

Description of the item(s) shall be as detailed as possible, including color, make, model, size, serial numbers and value, where appropriate. The exact location where the item is found shall be recorded, e.g., top drawer of chest against east wall, master bedroom.

When the Property Release Form is used to document the return of property to a subject the following shall be included; agency name and contact information, case number, list of items being returned, acknowledgment of ownership, and owner's signature and date.

602.18 SEARCH WARRANTS AND SEIZURE ORDERS

If currency and/or property is seized pursuant to a search warrant and the wording regarding seizure for forfeitures is not in the search warrant, the detectives shall prepare and obtain an "Order for Conversion" or release to remove the currency and/or property from the jurisdiction of the search warrant and the court.

A Seizure Order shall be used to seize funds, property or vehicles from the possession of institutions or individuals other than the suspect, when such seizures are conducted in accordance with the seizure laws.

A Seizure Order should be used to obtain funds from all bank or other financial institution accounts, bank records, and safe deposit boxes. The Seizure Order should direct the financial institution to render the contents of the account to the agent serving the order in the form of a cashier's check made payable to the Marin County Sheriff's Office Specialized Investigative Unit Asset Forfeiture account. The cashier's check shall be processed according to the current procedures for handling seized assets and a supplemental report will be written documenting its receipt by the Asset Forfeiture Investigator. Once deposited the bank receipt for the check shall be left with the MCSO SIU Commander and attached to the civil report.

602.19 PROCEEDS RECEIVED FROM COMPLETED FORFEITURES

The MCSO SIU Commander or Assistant MCSO SIU Commander is responsible for the funds received from completed forfeitures. When the Marin County District Attorney's Office or the United States Department of Justice notifies the MCSO SIU that forfeiture is completed and funds are received the MCSO SIU share of the forfeiture will be placed in an account held by the Marin County Sheriff's Office and administered by the Chief of Fiscal Services. The MCSO SIU Commander will direct disbursement of funds in compliance with applicable state and/or federal law. Records of any disbursement from this account will be maintained by the Marin County Sheriff's Office Fiscal Services Division.

602.20 FRANCHISE TAX BOARD (FTB) NOTIFICATION

In accordance with Health and Safety Code § 11488(a), the MCSO SIU Asset Forfeiture Liaison or designee shall notify the FTB of all cash or property seizures of $5,000.00 or more. The MCSO

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SIU Asset Forfeiture Liaison or designee may also notify the FTB when other assets, not subject to seizure, are identified, on which the FTB may be interested in attaching.

602.21 GENERAL POLICY FOR FEDERAL FORFEITURES

The Comprehensive Crime Control Act of 1984 provides for the equitable transfer of any forfeited property to the appropriate state or local law enforcement agency reflecting that agency's direct contribution to the investigation which led to the forfeiture of property.

Title 21, United States Code (USC), Section 881(e), authorized the United States Attorney General to dispose of forfeited property by transferring custody of ownership to a state agency pursuant to the Tariff Act of 1930, Title 19, USC, Section 1616.

602.21.1 INITIATION OF A FEDERAL FINANCIAL INVESTIGATION

Federal financial investigations shall be conducted in a manner consistent with the general procedures pertaining to the federal forfeiture law.

602.21.2 NOTIFICATION OF SEIZURE TO FEDERAL AGENCIES

The MCSO SIU Commander or Assistant MCSO SIU Commander shall approve joint investigations with DEA, HSI, ATF or the FBI prior to seizing assets and obtain approval to proceed with federal forfeiture and equitable sharing procedures for the seized property.

602.21.3 REQUESTS FOR EQUITABLE TRANSFER (APPLICATION FOR TRANSFER OF FEDERALLY FORFEITED PROPERTY, UNITED STATES DEPARTMENT OF JUSTICE FORM DAG-71 AND UNITED STATES TREASURY FORM)

Following the seizure of property, the MCSO SIU Commander or MCSO SIU Assistant Commander shall submit a request form to the appropriate DEA, FBI, HSI, ATF, Department of Justice or United States Treasury office for equitable transfer of the property subject to forfeiture within the required time frame.

The form for DEA and FBI is entitled "Application for Transfer of Federally Forfeited Property" (DAG-71). The form for United States Treasury is entitled "Request for Transfer of Property Seized/Forfeited by a Treasury Agency."

602.22 ASSET FORFEITURE TRAINING

All agents assigned to financial investigation duties in a MCSO SIU office should attend the Basic and Advanced Asset Forfeiture and Financial Investigation classes conducted by the California District Attorneys Association.

Health and Safety Code § 11469(e) states that seizing agencies shall implement training for officers assigned to forfeiture programs and this training should be ongoing.

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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 - Someone who is given specific direction by a detective, for any reason, whether on one occasion or many in an attempt to secure information on criminal activity. An informant is utilized to gather evidence or criminal intelligence and operates within a very controlled information-gathering relationship. The informant may be required to testify in court proceedings.

Anonymous Informant - One who provides information to law enforcement and refuses to identify himself/herself.

Citizen Informant - Private persons motivated to provide law enforcement with information of criminal wrongdoing purely through a sense of good citizenship, without expecting any benefit or reward in return.

Confidential Informant (CI) - The confidential informant may or may not have a criminal case pending and is providing information with the understanding that his/her cooperation will be made known to the District Attorney.

603.1.2 PROCEDURES

There are no procedures associated with this policy.

603.2 POLICY

The need for information is crucial to effect efficient investigations conducted by members of the Investigations Division. A primary source of information is from informants. Therefore, it is critical that the informant be managed and controlled to obtain the maximum benefit from this source. Informant management necessitates that the information provided by informants belongs to the Department and not to an individual employee. Information obtained from informants that would be beneficial to other Divisions throughout the Department will be forwarded to that Division as necessary.

603.3 USE OF INFORMANTS

603.3.1 SIGNING UP AN INFORMANT

The Confidential Informant (CI) packet is the primary source document for recording the informant’s identity, history, contact activity, and productivity. Before the Informant does any work, a detective shall compile sufficient information through a background investigation and will also assess the informant in order to determine the suitability of the individual, including age, maturity, and risk of physical harm, as well as any indicators of his/her reliability or credibility. Members of SIU will not guarantee absolute safety or confidentiality to an informant. The detective

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needs to review the CI packet with the informant. The informant must completely fill out the CI packet and read the "Entrapment, Perjury, Compounding Crimes, and the Confidential Informant Memorandum of Understanding Agreement" before they can assist in any investigation. Each question must be answered by the informant. The informant and the detective must initial each page of the CI packet. All items on the last page of the informant packet which include; informant's driving history, an Automated Firearms System check, a photograph of the informant, and criminal history rap sheet must be completed and submitted with the packet before it can be turned into the supervisor for approval. The CI packet must be approved by the supervisor before the informant can be used. The Unit Commander will also review the CI packet and will have the final say over the use of any informant. The CI packet will be kept in a secure location. The CI packet is never to be released, for any reason, without the permission of the sergeant and the Unit Commander.

603.3.2 MEETING INFORMANTS

It is the policy of this department that the relationship between detectives and informants be completely ethical and professional. Detectives will only supply the informant with his/her work cell phone number. Whenever a detective is going to meet the informant, two detectives will always be present, without exception. When dealing with an informant, and when possible, at least one of the two detectives should be of the same sex as the informant. Informants shall be searched by detectives for contraband upon any contacts. Detectives will not knowingly permit any illegal act by an informant. Informants shall be told they are not acting as deputy sheriffs, employees, or agents of the Marin County Sheriff’s Office, and they shall not represent themselves as such.

603.3.3 DOCUMENTING INFORMANT WORK

Detectives shall be responsible for documenting the activities involving informants. Detectives shall briefly describe what service the informant performed (Do not include investigative notes). Indicate what, if any, compensation was received by the informant. Informant Working Files will be kept current by the case agent.

The case agent or detective handling the informant will maintain the Informant Working Files (Located in the Confidential Informant Packet). The Informant Working Files will not be removed from the investigative unit's office. After the conclusion of the case, the Informant Working File worksheets will be updated and placed with the original CI packet which is kept in the Sergeant's office. Access to the Informant Working File is limited to members of the unit currently managing the informant, the Unit Sergeant and the Unit Commander. Informant Working Files will be kept current by the case agent. Informant Working Files are never to be released, for any reason, without the permission of the Unit Sergeant and the Unit Commander.

The Unit Supervisor should periodically review the work sheet.

603.3.4 ARREST WARRANTS FOR INFORMANTS

Detectives shall not work with informants who have active warrants. An informant should be arrested on an outstanding warrant or arrangements should be made to recall the warrant and get the case put on calendar. Any deviation from the service of an arrest warrant on an informant must have the approval of a supervisor, the District Attorney, and the issuing Court.

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603.3.5 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department 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.

603.3.6 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

(e) The District Attorney or the authorized designee

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603.4 INFORMANT REIMBURSEMENT AND EXPENDITURE OF UNDERCOVER FUNDS

If pre-approved by the SIU Assistant Commander or the Investigations Division Commander, informants can be provided with monetary compensation. The amount shall be documented and communicated to the District Attorney's Office. Any information received from an informant, as a result of monetary compensation, will be corroborated by the investigating detective. If the informant is expected to testify, they should not receive any monetary compensation. Informants may also receive payment to cover food, transportation, and lodging with supervisory pre-approval.

Reimbursement of any kind given to an informant shall be recorded. All reimbursements shall be witnessed by another officer. Reimbursement shall not be made prior to the completion of services, unless prior arrangements were made at the start of the investigation and with supervisor approval. Case agents are discouraged from promising an informant a fixed sum of money.

An accurate up-to-date record of all compensation received by informants or operators assisting SIU will be maintained by the supervising detective and Sergeant.

603.4.1 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

603.4.2 AUDIT OF PAYMENTS

The SIU 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 the direction of the Sheriff or the authorized designee, the Unit Supervisor or Unit Commander should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

603.5 NOTIFYING THE DISTRICT ATTORNEY'S OFFICE

When a confidential informant has agreed to provide information on criminal activity, has signed all paperwork with this department, and has pending charges or will be testifying in court, the District Attorney's Office shall be notified as soon as possible.

The District Attorney's Office will be involved when charges have been or will be filed against the informant or where the informant will testify as a witness against another criminal defendant. If

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charges are pending or are going to be filed against the informant or if the informant will testify as a witness in a criminal case, the District Attorney will make the final decision on any consideration given the informant with respect to the pending cases.

When utilizing informants who have charges pending, or who will testify at a criminal proceeding, the following shall be adhered to:

- Ascertain if the informant falls within the District Attorney’s Office guidelines regarding the use of informants.
- Consult with the Unit Supervisor for review of request to work with informant.
- Obtain approval from the Unit Supervisor for specific recommendation of terms of contract with informant that will be presented to the District Attorney's Office.
- Coordinate with the District Attorney’s Office regarding any utilization of an informant with pending criminal cases.
- Conform to all required procedures of this department prior to utilization of the informant.

The Unit Supervisor will review and ensure that all appropriate policies and procedures are complied with.

When utilizing an informant who is suspected of a crime or who has been arrested, but not formally booked and charged by the District Attorney's Office, the following shall be adhered to:

- Evaluate the circumstances of the arrest of the prospective informant and determine if the usefulness of the informant could be enhanced if he/she is not booked and charged by the District Attorney.
- Consult with Unit Supervisor to receive approval prior to working with informant.
- Fill out the informant packet and submit per policy.
- Advise the informant that charges will be filed with the District Attorney's Office if he/she does not comply with the agreement entered into with the Investigations Unit.
- If the informant does not fulfill their end of the agreement, the Case Agent shall notify the District Attorney's Office so their pending case can be filed.

The Unit Supervisor will evaluate the case agent’s request to work with the informant without booking or charges and approve or disapprove of the request.

Unit personnel shall not work with persons on parole without the knowledge and approval of the individual’s Parole Agent and the Unit Supervisor. This is not intended to prevent unit personnel from talking with parolees and obtaining information from them.

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.1.2 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: Consent Waiver Form.pdf

604.2 POLICY

The Marin County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

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The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

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604.5.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

604.6 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

604.7 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be submitted as evidence. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.7.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

604.7.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

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604.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

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Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Marin County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.1.2 PROCEDURES

There are no procedures associated with this policy.

605.2 POLICY

The Marin 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 Marin County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 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, protected personnel files), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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605.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the deputy's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

    1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

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Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of a small unmanned aerial system (sUAS) and for the storage, retrieval, and dissemination of images and data captured by the sUAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Small Unmanned Aerial System (sUAS) - Consists of a small unmanned aircraft (aerial vehicle) weighing under 55 lbs., the command system, a secure control link, and other related safety and support equipment.

Unmanned Aerial Vehicle (UAV) - An aerial vehicle that is intended to navigate in the air without an on-board pilot.

UA Flight Crew Member - A pilot, visual observer, or other persons assigned duties for a sUAS for the purpose of flight.

Remote Pilot in Command (RPIC) - A person exercising control over an unmanned aerial vehicle during flight. The pilot will ultimately be responsible for the operation and solely responsible for the input of commands/piloting during flight. The pilot will be certified in the operation of the sUAS by successful completion of an approved training course. The pilot must meet standards required by the FAA. Pilots are authorized to evaluate and accept, or decline any mission or portion thereof due to safety concerns.

Visual Observer (VO) - The observer is responsible for the visual observation of the UAV while in-flight. The observer will maintain a visual observation of the UAV while in flight and alert the pilot to any conditions (e.g., obstructions, terrain, structures, air traffic, weather, etc.) which affect the safety of flight. The observer will be responsible for all aviation related communications required by the FAA. To accomplish this, the observer will be in close proximity to the pilot to ensure instant relaying of information. The observer will be certified in the operation of the UAV by successful completion of an approved training course. In the event a certified visual observer is not immediately available, the PIC can designate additional personnel on scene to act as a VO after they have been briefed on the safe operations of a UAV and expectations of the VO.

Certificate of Authorization - Certificate of Authorization (COA) given by the FAA which grants permission to fly within specific boundaries and perimeters. The Department will maintain current COA's consistent with FAA regulations.

Waiver - An applicable waiver will be obtained by the FAA if needed to fly for a planned or emergency mission.

606.1.2 PROCEDURES AND ATTACHMENTS

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606.2 POLICY

The following procedures are intended to promote the safe, efficient, and lawful operation of the Marin County Sheriff's Office small Unmanned Aerial System (sUAS) program. Safety is a primary concern in each and every operation.

It shall be the mission of MCSO personnel who are trained in the use of the sUAS to use this resource to protect the lives and property of citizens and first responders in full compliance with applicable laws and regulations, including but not limited to, applicable state and federal laws and Federal Aviation Administration (FAA) regulations.

The use of a sUAS can support first responders in situations which would benefit from an aerial perspective and enable responders to detect dangers that could otherwise not be seen. The sUAS can also be utilized for approved training missions.

The FAA Modernization and Reform Act of 2012 provides for the integration of civil unmanned aircraft systems into national airspace by September 1, 2015.

606.3 PRIVACY

All sUAS commanders, pilots, and observers will consider the protection of individual civil rights and reasonable expectation of privacy as a key component of any decision made to deploy the sUAS. Each sUAS pilot and observer will ensure that operations of the sUAS are consistent with local, state, and federal law.

606.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the sUAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a sUAS, including urgent requests made during ongoing or emerging incidents.
- 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 sUAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of sUAS deployment.

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- Developing an operational protocol governing the deployment and operation of a sUAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a sUAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a sUAS, 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.
- Facilitating law enforcement access to images and data captured by the sUAS.
- 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 sUAS.

606.5 USE OF UAS

The Department will obtain all applicable waivers and/or COA's from the FAA in order to conduct operational or training missions. Requests for deployment of the sUAS will be made through the MCSO the Communications Center. Approval for the use of the sUAS will be made through the on-duty Watch Commander. The on-duty Watch Commander will ensure the Captain of the Field Services Bureau and the sUAS Program Coordinator are notified of the sUAS deployment.

Once a request for the sUAS has been made, the program coordinator or the Sergeant of the sUAS team will contact the requesting personnel or agency and obtain information regarding the nature of the request. They will contact the UAV pilot and notify him or her of the mission. The pilot will determine if the UAV can be deployed safely and practically.

Once a mission has been approved, the following concerns will be addressed:

1. When the UAV is being flown, operators will focus on the areas necessary to the mission and minimize the inadvertent collection of data about uninvolved persons or places.
2. The use of the sUAS will be limited to the authorized missions described herein.
3. The UAV will not be equipped with any weapons.
4. The authorized missions for the department sUAS program include:
    (a) Post-incident crime scene preservation and documentation
    (b) Explosive ordnance disposal (EOD) missions
    (c) Response to hazardous materials spills
    (d) Search and Rescue (SAR) missions

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(e) Public safety and life preservation missions, which include, but are not limited to, barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous and/or violent fleeing suspects.

(f) Disaster response and recovery to include natural or human caused disasters, including a full overview of a disaster area for post incident analysis and documentation

(g) Authorized training missions

(h) In response to specific requests from local, state, or federal fire authorities for fire response and prevention

(i) Pursuant to a search warrant or consent

Only authorized operators who have completed the required training shall be permitted to operate the sUAS on missions.

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.

sUAS operations should only be conducted consistent with FAA regulations.

606.5.1 DEPLOYMENT

All sUAS operations require a Certificate of Authorization (COA) or waiver from the FAA if applicable. If a COA or waiver is not required, either the visual observer or the remote pilot in command (RPIC) must be CFR 14 Part 107 certified.

A UAV will only be operated by personnel who have been trained and certified (CFR 14 Part 107 licensed RPIC) in the operation of the system. All agency personnel with sUAS responsibilities, including command officers, will be provided training in the policies and procedures governing sUAS use.

All flights will be approved in advance by the on-duty Watch Commander or the Program Coordinator.

The UAV and all related equipment will be available at a secure location as designated by the Sheriff or his or her designee.

All flights will be documented on the mission dispatch form designed for that purpose and all flight time shall be accounted for on the form. The reason for the flight, type of mission as specified above, and the name of the Lieutenant approving the operation will also be documented.

Prior to each UAV flight, a Notice to Airmen (NOTAM) will be filed with the FAA.

606.6 PROHIBITED USE

The sUAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Upon completion of each sUAS mission the recorded data shall be reviewed and evaluated for evidentiary value. All retained data shall be uploaded to Evidence.com and retained in accordance with the guidelines of the Portable Audio Video/Video Recorders Policy.

Pursuant to the California Public Records Act (Government Code § 6254), the Marin County Sheriff's Office considers all sUAS data that is gathered during the course of an investigation to be a law enforcement investigatory file and exempt from disclosure under the CPRA.

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Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. 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.

607.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: SRT Threat Matrix.pdf

607.2 POLICY

It is the policy of the Marin County Sheriff's Office to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 SUPERVISOR RESPONSIBILITIES

The appropriate Watch Commander shall review all risk assessment forms to determine the risk level of the warrant service.

The handling supervisor 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.

The Patrol Division shall not carry out any arrest or search warrant service that could qualify as high risk without first consulting with the Watch Commander, Special Response Team Co-Commander and the Patrol Division Captain to determine if utilizing the Special Response Team for the warrant service may be more appropriate.

607.4 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.

Deputies assigned as case agents for any operation that may qualify as a high-risk operation shall complete a risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy). Deputies assigned as case agents for any operation that does not qualify as a high-risk

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operation do not need to submit the warrant affidavit to a supervisor prior to submitting it to a judge for review.

607.5 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 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 appropriate Watch Commander, Special Response Team Co-Commander, Investigations Division Commander, and the Patrol Division Captain. 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.

607.6 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 or no-knock warrant execution.

(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).

607.7 HIGH-RISK WARRANT SERVICE

The appropriate Watch Commander, Special Response Team Co-Commander, Investigations Division Commander, and the Patrol Division Captain shall coordinate the service of warrants

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that are categorized as high risk and shall have 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.

(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.

(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.

607.8 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or 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.

607.9 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.

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Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.10 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.

607.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The handling supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- 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 appropriate supervisor. The supervisor should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The supervisor should ensure that members of the Marin County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Marin 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 supervisor is unavailable, the Watch Commander should assume this role.

If deputies intend to serve a warrant outside Marin County Sheriff's Office jurisdiction, the handling supervisor 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 Marin County Sheriff's Office when assisting outside agencies or serving a warrant outside Marin County Sheriff's Office jurisdiction.

607.12 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff or the authorized designee. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

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607.13 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

607.14 TRAINING

The Training Manager 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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Juvenile Arrests and Citations

609.1 PURPOSE AND SCOPE

The juvenile justice system in the County of Marin is predicated on the concept of rehabilitation. As such, there are different options available for the disposition of a juvenile offender as compared to adult offenders. This policy provides guidance for the handling of crimes and arrests involving juvenile offenders including the use of the Marin County Sheriff's Office Juvenile Diversion Program.

609.1.1 PROCEDURES AND ATTACHMENTS

Procedures Manual: 609.1 JUVENILE CITATION PROCEDURES - Click to view procedures

Procedures Manual: 609.2 JUVENILE HALL BOOKING PROCEDURE - Click to view procedures

609.2 JUVENILE DIVERSION PROGRAM

The Welfare and Institution Code permits the issuance of a Juvenile Citation to persons under 18 years of age to the Sheriff's Office Juvenile Offender Diversion Program.

609.2.1 JUVENILE DIVERSION PROGRAM POLICY

The Sheriff's Office realizes that by providing adequate counseling, education and referral services to the juvenile offender, the overall best interest of the public is obtained. The function of the Sheriff's Office Juvenile Diversion Program is to balance the best interest of the juvenile offender and the interest and safety of the public. Minors who fall under the jurisdiction of the Juvenile Court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment and guidance which is consistent with their best interest, which holds them accountable for their behavior and which is appropriate for their circumstances.

609.2.2 CRITERIA FOR THE JUVENILE DIVERSION PROGRAM

All members of the Sheriff's Office will keep in mind the best interest of the juvenile offender and the safety of the public when deciding whether or not to refer the juvenile offender to the Sheriff's Office Juvenile Diversion Program.

Juveniles who qualify for the Sheriff's Office Juvenile Diversion Program include:

1. Juveniles who fall under the authority of Welfare and Institutions Code § 601:
    (a) Runaway juveniles
    (b) Juveniles who habitually refuse to obey their parents
    (c) Juveniles who habitually refuse to attend school
2. Juveniles who fall under the authority of Welfare and Institutions § 602 and:
    (a) are first time misdemeanor offenders and,
    (b) are not currently on Juvenile Probation and,
    (c) will benefit from referral to the Juvenile Diversion Program

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Juveniles who do not qualify for Sheriff's Office Juvenile Diversion Program include:

1. Juveniles who fall under the authority of Welfare and Institutions § 602 and:
    (a) are suspected of felony violation(s) or,
    (b) are currently on active Juvenile Probation, or have past involvement with Juvenile Probation or,
    (c) juveniles or their parents who have stated an unwillingness to participate in restorative practice or,
    (d) would not benefit from participation in the Juvenile Diversion Program

609.2.3 REFERRALS TO THE JUVENILE DIVERSION PROGRAM

A deputy who wants to refer a juvenile offender to the Juvenile Diversion Program shall follow the listed steps in order to do so:

1. Juveniles who qualify for referral into the Juvenile Diversion Program will be referred by the arresting deputy through issuance of a Marin County Sheriff's Office Juvenile Citation.
2. At the time of issuance, the Communications Center will be notified, provided with the Juvenile’s name, date of birth, offense and case number.
3. The Communications Center will enter this information into the Juvenile Diversion Log and will provide the deputy with the next available Juvenile Diversion hearing date.
    1. This log is maintained in the Communications Center by the School Resource Officer.
4. The issuing deputy will enter the time and date of the scheduled Diversion Hearing on the citation and will have either the juvenile or his or her parent/guardian sign the citation.
5. The deputy will provide the juvenile or parent/guardian with the original copy of the citation and will attach the copy of the citation to his report.
6. The deputy will contact the parent/guardian and advise of the issuance of the citation to their son/daughter in the event the parent/guardian was not available when the citation was issued.

609.2.4 JUVENILE DIVERSION HEARING PROCEDURES

Juvenile Diversion Hearings will be conducted by either the School Resource Officer (SRO) or a detective. The deputy conducting the hearing will follow the criteria set out below:

1. The deputy will ensure that the juvenile and his or her parent/guardian both attend the Diversion Hearing.
2. The deputy will begin the Diversion Hearing by first briefing the parent/guardian of the nature of the offense and the options available to the juvenile. The deputy will also obtain any additional information he/she deems appropriate to making a determination regarding the diversion process.

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3. The deputy will provide the offending juvenile with adequate counseling and guidance so that the juvenile can make better and more educated decisions in the future.
4. If, after assessing the totality of the circumstances surrounding the juvenile and related offense, the deputy deems a diversion process is not appropriate, the deputy will refer the juvenile and case to the Marin County Juvenile Probation Department for any further disposition. The deputy will do this by issuing the juvenile a Marin County Juvenile Probation Citation.
5. If the juvenile is deemed appropriate for a diversion process, he/she may be referred to any of the listed diversion processes below.
    1. The specific location and hours of attendance must be agreed upon by all parties as well as documentation from the person supervising the juvenile's attendance.
6. After completion of the assigned diversion process, the deputy will close the case with no further pending action.
7. The deputy will provide the parent/guardian with information regarding sealing a juvenile record.
8. If the juvenile and his parent/guardian fail to appear for the scheduled diversion hearing, the deputy will forward the case to the Marin County Juvenile Probation Department for further disposition. The deputy will issue the juvenile a Marin County Juvenile Probation Department Citation, writing “Notified by U.S. Mail” on the signature space and will mail the original copy of the citation to the juvenile’s parent/guardian.
9. In all cases where a juvenile is referred to the Sheriff's Office Diversion Program, the hearing deputy will prepare a subsequent report documenting whatever action resulted from the diversion process.

609.2.5 JUVENILE DIVERSION PROGRAM REFERRALS

The SRO or detective assigned to administer the Juvenile Diversion Hearing may assign the offending juvenile to community service or agreed upon restorative interventions. The SRO or detective will take into consideration if the juvenile has existing support services and can work with those services with the permission of the juvenile and the juvenile's family.

All Diversion activities shall be recorded in a report. The documentation shall include whether the Diversion was successfully completed or any other conclusion. Incomplete or unsuccessful Diversion may be referred to the Juvenile Probation Department.

609.3 ARRESTS AND BOOKINGS OF JUVENILE OFFENDERS INTO JUVENILE HALL

Juvenile offenders are generally only booked for felonies, crimes of violence, crimes involving weapons, or for probation violation warrants. Deputies shall consider the following factors when deciding whether or not to book a juvenile offender into Juvenile Hall:

1. Juvenile Hall has criteria for what juveniles they will house. Any juvenile not meeting that criteria will be released to his/her parents or their designee as soon as possible.
2. Juveniles who are under the influence of drugs or alcohol must be medically cleared at a hospital prior to being booked. A juvenile offender does not necessarily need to be medically cleared in order to be released to a parent.

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3. A juvenile who is booked will be referred to the District Attorney's Office and the Juvenile Probation Department. A juvenile cannot be booked and then have their case handled by the Juvenile Diversion Program.

609.4 JUVENILE TRAFFIC CITATIONS

Traffic citations issued to juveniles shall be done on a standard moving citation form. The issuing deputy can either mark "To Be Notified" or issue a traffic court date and time on the citations.

If you cite the juvenile for misdemeanors and infractions and don’t send to the Juvenile Diversion Program, you must cite the juvenile to the Marin County Juvenile Probation Department using the Juvenile Probation Citation form. Any case involving a juvenile who is cited to the Juvenile Probation Department must have a police report included. The Juvenile Probation Department will not accept a citation without an accompanying police report; the report shall also be forwarded to the prosecuting attorney handling juvenile cases.

609.4.1 JUVENILE MARIJUANA CITATIONS

A deputy who issues a citation to a juvenile for any infraction involving marijuana shall do so using the following procedure:

1. Issue the juvenile a citation using the standard moving citation form. Mark "non-traffic" and check "To Be Notified". Do not list a court date. Write "juvenile" on the citation to be sure it is routed to the Juvenile Court.
2. Infraction level citations related to marijuana do not go to the Juvenile Probation Department.
3. Even though it’s an infraction, a citation of this nature requires a report.
4. You may still cite a juvenile to the Juvenile Diversion Program for a first time marijuana infraction offense. For those juveniles with past criminal history, cite directly to the Juvenile Court using the above procedure.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item. Employees shall follow certain procedures as it relates to the return of department property upon a leave of absence or the termination of service.

700.1.1 PROCEDURES

There are no procedures associated with this policy.

700.2 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

1. In the event that department property is found bearing evidence of damage, which has not been reported, it shall be prima facie evidence that the last person using the property or vehicle was responsible.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

(f) Employees shall not move office equipment or furnishings outside of the division to which the equipment is assigned without the permission of the Division Commander.

(g) Employees shall not mar, mark or deface any surface in any department buildings without specific authorization from a commanding officer.

(h) Employees shall not mar, mark, alter or deface any posted notice of the department.

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700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the County of Marin Claim for Loss or Damage to Personal Property form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Bureau Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by the Bureau Commander and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Bureau Commander who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report regarding the lost or damaged equipment shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report regarding the lost or damaged equipment shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Bureau Commander.

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700.5 SURRENDER OF DEPARTMENT PROPERTY

Employees shall return all department property in his/her possession under the following circumstances:

(a) An employee who resigns or is terminated from the Department shall deliver all department property in his/her possession to the Professional Standards Unit.

1. Any supervisor may take possession of the property from a terminated or separated employee when circumstances indicate that it would be in the best interest of the Department.

(b) An employee granted a leave of absence without pay that exceeds thirty days, but is less than one year, shall, prior to the effective date of the leave, surrender all department property in his/her possession to the Professional Standards Unit. The Professional Standards Unit shall ensure that all department property in the possession of the employee is surrendered and held for safekeeping pending the return of the employee.

(c) An employee granted a leave of absence without pay of one year or longer shall, prior to the effective date of the leave, surrender all department property in his/her possession to the Professional Standards Unit. The equipment shall be available for reissue.

(d) An employee who is relieved from law enforcement duties by a Captain, Undersheriff or Sheriff for a violation of county, state or federal laws shall surrender all department property in his/her possession to the member executing the order of relief from duty. The member executing the order shall ensure that all property is delivered to the employee’s commanding officer for safekeeping.

(e) If an employee suffers serious injury, death, or other circumstances exist that prevent the employee from returning their department issued property, the Professional Standards Lieutenant or the authorized designee shall retrieve such property from the employee's work space, locker, gear bags, and home, etc.

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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 or funded 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 (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.1.1 PROCEDURES

There are no procedures associated with this policy.

701.2 POLICY

The Marin County Sheriff's Office allows members to utilize department-issued or funded 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, members 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 member and the member’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

(a) Location data obtained from a department-issued PCD shall not be used as a surveillance tool to monitor the general and/or routine activities of members. The historical data shall be maintained for a period of time to be determined by the Sheriff or the authorized designee. Historical data contained within or obtained from a department-issued PCD shall only be retrieved at the direction of a sergeant or higher authority. Access to location data from a department-issued PCD requires a reasonable basis for that inquiry (e.g., locating lost PCDs, responding to citizen complaints, authorized investigations, exigent circumstances).

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701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)
No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. 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.

Any member who is issued a PCD may choose to retain and use that PCD while off-duty, but may do so only to conduct department business. Any member who chooses to use their PCD while off-duty for department business is not entitled to compensation unless prior approval has been obtained from that member's supervisor.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to the provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members 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.

    (a) Members may use personally owned PCDs on-duty for routine administrative work (e.g., department email) as authorized by the Sheriff.

(e) 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.

(f) Use of a personally owned PCD while at work for work-related business 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

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release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Marin County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty 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 PCD

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) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(c) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(d) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party including social networking sites through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline (see the Department Use of Social Media Policy for additional guidance).

(e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

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701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

  (a) An investigation into improper conduct should be promptly initiated when circumstances warrant.

  (b) Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

701.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

701.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.1.1 PROCEDURES

Procedures Manual: 702.1 VEHICLE MAINTENANCE PROCEDURES - Click to view procedures

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to the proper department for repair.

Deputies who identify a patrol vehicle or related piece of equipment in need of repair shall contact the appropriate department (Refer to the Procedures for the correct County department). Refer to the Vehicle Towing and Release policy for information regarding towing department vehicles that have become disabled.

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 department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department 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:

- Adequate number of road flares

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- Adequate number of evidence collection bags
- Adequate number and size of protective gloves
- 1 Roll of crime scene barricade tape
- 1 First aid kit
- 1 Set of spike strips
- 1 WRAP restraint device
- 1 Fire extinguisher

702.3.2 UNMARKED VEHICLES
An employee driving an unmarked department vehicle should carry any equipment he/she deems necessary given their particular assignment.

702.4 VEHICLE REFUELING

Patrol deputies shall fuel their vehicles at the end of each shift only at an authorized fueling station. If the fueling station is out of service, or other circumstances exist that prevent a deputy from refueling their vehicle, the deputy shall notify the next deputy driving the vehicle that it does not have a full tank of fuel, or attach a note to the patrol vehicle keys indicating that the vehicle has not been refueled.

This section only applies to marked patrol vehicles that are not assigned to a single deputy. Deputies who are assigned their own vehicle may refuel them as they deem appropriate.

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.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 PROFESSIONAL STAFF EMPLOYEE USE

Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. If a Professional Staff employee needs to use a vehicle that has weapons stored inside, he/she shall request a deputy remove the weapons from the vehicle and store them in compliance with this policy. Professional staff employees shall also prominently display the “out of service” placards at all times. Professional staff employees 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 department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the County of Marin to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

703.1.1 DEFINITIONS

Fleet Manager - A supervisor, usually at the rank of sergeant, who is responsible for managing department vehicles assigned to the Division/Unit in which he/she works. Any division of the Department which uses department vehicles during regular operations shall identify a Fleet Manager for that division.

703.1.2 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: MDT and Intergraph FAQs.pdf

703.2 POLICY

The Marin County Sheriff's Office provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

703.3 USE OF VEHICLES

Members shall not use any department vehicle without the permission of a supervisor. Department vehicles shall never be used for personal business without prior approval from a supervisor.

703.3.1 DEPARTMENT VEHICLE ASSIGNMENTS

The Patrol Division Fleet Manager shall produce a roster indicating which members are assigned to which patrol vehicles. The roster shall be posted at the EOF and at each patrol substation. The patrol vehicle assignment roster shall be updated at the beginning of each new rotation schedule. More frequent updates to the roster should be made when necessary.

The Investigations Division Fleet Manager shall produce a roster indicating which members are assigned to drive which unmarked vehicles. The roster shall be posted in the Investigations Division and updated as necessary.

The Sheriff or his/her designee shall produce a roster indicating which administrative members are assigned to drive which vehicle. This roster does not need to be posted.

A Fleet Manager of a Division that does not assign department vehicles to specific members does not need to maintain a roster.

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703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall notify their immediate supervisor prior to engaging in that assignment.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety). The practice of routinely leaving a vehicle running with the doors and windows locked while the responsible member is not in the immediate vicinity of the vehicle is not permitted.

Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended. Members shall remove all firearms from their patrol vehicle at the end of their shift unless the vehicle is personally passed on to another member for use during that member's shift. No firearm shall ever be left in a vehicle if that vehicle is not being used by a member who is on-duty.

703.3.5 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Communications Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information,

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members are not relieved of their responsibility to use required communication practices to report their location and status.

Unauthorized personnel shall not tamper with, or in any way attempt to disable the vehicle location system or alter its functionality. At the start of each shift, members shall verify that the system is on and report any malfunctions to the Technology Services Unit (TSU). If the member finds that the system is not functioning properly at any time during the shift, he/she shall submit a work order to TSU so the issue can be fixed as soon as practicable.

The vehicle location system maintains historical data regarding every assigned mobile device and will not be used as a surveillance tool to monitor the general and/or routine activities of members. The historical data shall be maintained for a minimum of 6 months or longer at the discretion of the Sheriff. Historical data contained within the vehicle location system shall only be retrieved at the direction of a sergeant or higher authority. Access to historical data requires a reasonable basis for that inquiry, including but not limited to evaluating vehicle pursuits, responding to citizen complaints or conducting authorized investigations.

703.3.7 KEYS

Keys for department vehicles that are not assigned for an individual member's sole use shall be stored in a designated location within each Division/Unit when not in use. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys unless approved by a supervisor.

The loss of a key shall be promptly reported to that member's supervisor. A written report shall be completed documenting the loss of the key if directed by a supervisor.

703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g. undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor.

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703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories from a department vehicle without written permission from the assigned Fleet Manager.

703.3.12 PROFESSIONAL STAFF MEMBER USE

Professional Staff members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Professional Staff members shall prominently display the "out of service" placards at all times. Professional Staff members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department 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.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Sheriff or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Marin County limits.

(d) Off-street parking will be available at the member’s residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status.

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Department members shall abide by this policy as it relates to certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of unmarked take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff or a Bureau Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

    (a) In circumstances when a member has been placed on call by the Sheriff or Bureau Commanders and there is a high probability that the member will be called back to duty.

    (b) When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.

    (c) When the member has received permission from the Sheriff or Bureau Commanders.

    (d) When the vehicle is being used by the Sheriff, Bureau Commanders, or members who are in on-call administrative positions.

    (e) When the vehicle is being used by on-call investigators.

(d) Unattended vehicles are to be locked and secured at all times.

    (a) No key should be left in the vehicle except when it is necessary that the vehicle be left running.

    (b) All weapons shall be secured while the vehicle is unattended.

    (c) Firearms shall be stored in compliance with Penal Code section 25140.

    (d) All department identification, portable radios and equipment should be secured.

(e) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(f) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

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1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(g) The member shall ensure the vehicle is regularly maintained by the County Garage.

(h) Vehicles are assigned to various divisions and their use is restricted to the respective Division and the assigned member, unless otherwise approved by a Division supervisor.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Marin County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that the assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a Vehicle Maintenance Request form explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make periodic inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

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703.5 DAMAGE, ABUSE, AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy). The involved member shall also notify the Professional Standards Unit Lieutenant as soon as practicable. That notification shall include the department case number if a report was written, any other-agency case numbers if applicable and a short synopsis of the event that led to the damage. If the member involved in the incident is unable to make this notification to the Professional Standards Unit Lieutenant for any reason, the initial supervisor to whom the incident was reported shall make the notification.

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in an incident report and forwarded to the member's supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.6 BRIDGE TOLLS

All Department vehicle license plates shall be entered into the FasTrak automated toll system for the appropriate collection of road and bridge tolls incurred by department vehicles when used for department business. Each Division shall designate a Division Commander who will be responsible for maintaining the license plate data entered into the FasTrak automated toll system.

Members who incur bridge tolls while off duty, including driving to and from work, are responsible for the cost of those tolls.

703.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: Marin County Cash Handling Policy.pdf

704.2 POLICY

To properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust, it is the policy of the Marin County Sheriff's Office that its members comply with the County of Marin Department of Finance Cash Handling Policy.

704.3 PETTY CASH FUNDS

The use of petty cash funds, petty cash transactions and petty cash audits shall be done in accordance with the County of Marin Department of Finance Cash Handling Policy.

704.4 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Major Crimes Narcotics Task Force supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the County of Marin Department of Finance Cash Handling Policy.

704.5 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

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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 Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.1.2 PROCEDURES

There are no procedures associated with this policy.

705.2 POLICY

The Marin County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

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

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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 Range Master shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION

The Administration Bureau 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).

The decision to use respiratory PPE may be made by any member who is on scene of an incident, or a scene commander, when hazards are present that would necessitate the use of PPE. The scene commander 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

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degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

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 department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

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.

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(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.

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 required to use a 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 Manager is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

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(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

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

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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706.2 POLICY

It is the policy of the Marin County Sheriff's Office that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Sheriff should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Marin County Sheriff's Office (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.
2. Preparing for public questions regarding the department’s funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Sheriff and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

Attached hereto as "Attachment A" is an inventory of qualifying equipment with applicable use policies and specifications for each item (Government Code § 7070(d)).

Attachment A: MCSO Military Equipment Inventory.xlsx

706.5 APPROVAL

The Sheriff or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

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(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military Equipment used by any member of this Department shall be approved for use and in accordance with this policy. Military Equipment used by other jurisdictions that are providing mutual aid to this Department, or are operating in conjunction in a law enforcement capacity with this Department, shall comply with their respective Military Equipment use policies.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Sheriff or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Sheriff or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

706.9 COMMUNITY CONCERN AND COMPLAINT PROCEDURE

Any person may register complaints or concerns regarding this Policy or submit a question regarding this Policy using the Citizen Complaint Procedure and Form available on the Department's website (www.marinsheriff.org).

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Chapter 8 - Support Services

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Property Room

800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

800.1.1 PROCEDURES AND ATTACHMENTS

Procedures Manual: 800.1 PROPERTY AND EVIDENCE PACKAGING

Procedures Manual: 800.2 DESTRUCTION PROCESS

Procedures Manual: 800.3 CELL PHONE EVIDENCE SUBMISSION AND EXAMINATION PROCEDURES

Procedures Manual: 800.4 SEALED ORDERS AND SEALED JUVENILE RECORDS

Procedures Manual: 800.5 ARSON/FIRE DEBRIS EVIDENCE PACKAGING AND SUBMISSION PROCEDURES

See attachment: Electronic Device Search Waiver.pdf

See attachment: Cellebrite Examination Request Form.pdf

800.1.2 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property Room, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

800.2 POLICY

It is the policy of the Marin County Sheriff's Office to handle, store, release, and dispose of any evidence or property coming into its custody in accordance with acceptable evidence collection and submission laws and procedures. The Marin County Sheriff's Office will use an audit and inventory process as a means to ensure the integrity of this policy.

800.3 DOCUMENTATION OF PROPERTY AND EVIDENCE

All property that is taken into custody and retained by members of this department must be documented in a crime or incident report prepared by the member accepting that property. The

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report is to include who, what, when, where, and how the member came into possession of the property. The disposition of that property shall be described in the report. The case number issued at the outset of a case shall be used as the master report number for all property seized or held throughout the case investigation and/or adjudication and submitted to the Property and Evidence Division for storage.

The report must also provide a complete description of the property collected or seized, complete and accurate information of the person who found the property, or from whom it was seized or recovered, or identify the property's rightful owner.

All property is to be entered into the Tiburon Automated Reporting System (ARS) under the Property Tab using the correct type of property indicator: Article, Bicycle, Drug, Firearm, Jewelry, Security, Auto Parts.

All property is to be photographed prior to being submitted to the Property and Evidence Division. Documentation of the photographs is to be entered in ARS. Photographs are to be taken using the Axon Capture application in accordance with the Use of Axon Capture for Photographic Evidence Policy, 422.1.

Property seized as recovered stolen property shall be submitted with the report number for the investigation of the recovered stolen property, as well as a cross reference to the case originally reporting the property as stolen. The cross referenced case number is to be entered under the Property Tab section of ARS associated with the item recovered in the Other Agency section of the property tab. The cross referenced case number shall also be entered in the Cross Reference box on the Incident Tab of ARS.

Contraband property will not be disposed of, or destroyed except by Property and Evidence Division personnel, unless prior authorization to do so has been received from a member with the rank of lieutenant or higher. Contraband property destroyed by personnel other than those assigned to the Property and Evidence Division shall be documented in a crime or incident report in ARS. The report shall list the circumstances and authority for destroying such property.

All property must be submitted to the Property and Evidence Division prior to the member going off-duty unless otherwise approved by a supervisor and maintained in a secured Temporary Evidence Locker. Any member who has received approval not to submit property by the end of their shift by a supervisor, shall submit that property to the Property and Evidence Division by the end of that member's work week with no exception.

800.3.1 TEMPORARY EVIDENCE LOCKERS

Temporary Evidence Lockers are located at the Emergency Operations Facility as well as other Department facilities. Temporary Evidence Lockers are meant for members who must temporarily store items of property or evidence prior to processing or packaging those items for formal submission to the Property and Evidence Division.

Any member storing items of property or evidence in a Temporary Evidence Locker shall notify their supervisor of the storage as soon as practicable. Members needing to store property or

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evidence in the Temporary Evidence Lockers beyond the end of their shift, shall do so only with the approval of their supervisor.

Any member storing items of property or evidence in a Temporary Evidence Locker at any Department facility for any amount of time, shall complete the Temporary Evidence Locker Log form. These forms will be collected and retained by the Property and Evidence Division personnel.

Nightshift supervisors shall inspect all Temporary Evidence Lockers in those areas they are responsible for at the end of their work week to ensure items of property and evidence have been processed properly and that no property or evidence has been left in the Temporary Evidence Lockers without the appropriate approval.

800.3.2 RECEIPT OF PROPERTY

An Evidence/Property Receipt form (MCSO PS 11/19) shall be furnished as a receipt to any person, regardless of status, when property is taken from that person irrespective of the classification of the property.

The property receipt shall include the case number, date of activity, name of individual from whom the property was seized, the address of the individual or location from which the property was seized, the evidence item number, a complete description of the property including serial number, model number, other distinctive markings, location where the item(s) was found, the printed name of the finder, and the printed name of the recorder if different than the finder.

The white copy of this form (MCSO PS 01/19) shall be submitted with the evidence/property. The yellow copy shall be submitted as an e-file attachment to the report the property is entered under. The pink copy shall be provided to the person the property was taken from.

If property was taken from a vacant residence or otherwise unoccupied structure, the pink copy shall be posted in plain sight on or near an entryway to the structure or left in plain sight inside the residence.

- Marijuana/Marijuana Products Receipt - At the time of arrest, any legal marijuana or marijuana products are to be submitted for safekeeping. A Marijuana/Marijuana Products Receipt (MCSO MJ 1) shall be furnished as a receipt to any person legally in possession of marijuana or marijuana products at the time of arrest. The receipt shall include the case number, date of seizure, owner's name, and owner's signature. This is a duplicate form; the white copy is to be submitted with the property and evidence and the yellow copy is to be provided to the owner.

800.3.3 EVIDENCE PROPERTY TAG

All property and evidence packages shall contain a barcode label when being submitted to the Property and Evidence Division. The barcode label will be generated upon entry of the evidence item into ARS. The barcode shall contain the case number, tag and item number, description of the item, deputy badge number, and deputy's name.

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800.3.4 FOUND PROPERTY RETURNED TO OWNER

Any time a deputy comes into possession of found property that has no evidentiary value, the deputy shall attempt to identify the owner of that property. If ownership can be established, and the deputy can return the property to the owner, the deputy shall do so. If the found property is located as a result of call for service, the establishment of ownership and the return of the property shall be documented in the call notes. An incident report is not required in such cases.

If ownership of found property cannot be established, or the property cannot be returned to the owner, the property shall be submitted to the Property and Evidence Division. The deputy shall prepare an incident report documenting the efforts to establish ownership and the submission of the property.

Any time a non-sworn member comes into possession of found property, that member may attempt to locate the owner of the property and return it to them in accordance with this policy, or the member may turn that property over to a deputy.

800.4 ENTRY INTO THE TIBURON AUTOMATED REPORTING SYSTEM (ARS)

800.4.1 CATEGORY

All property submitted to the Property and Evidence Division will be entered into ARS. Entry is to be made under the Property Tab of the ARS report. The entry is based on the following categories:

Articles – Any and all items being submitted as property or evidence other than bicycles, firearms, drugs, jewelry, securities, and auto parts shall be entered under this tab in the ARS. All required fields are to be completed.

Bicycle – All bicycles are to be entered under the Bicycle Tab in ARS. All required fields are to be completed.

Drugs/Narcotics/Marijuana – All drugs/narcotics are to be entered under the Drug Tab in ARS. All required fields are to be completed.

Firearm – All firearms, handguns, long-guns are to be entered under the Firearm Tab in ARS. All required fields are to be completed.

Jewelry – All jewelry, personal accessories including serialized jewelry is to be entered under the Jewelry Tab in ARS. All required fields are to be completed.

Security (Currency/Securities) – All forms of US Currency are to be entered under the Security Tab in ARS. All required fields are to be completed.

Auto Parts - All auto parts are to be entered under the Auto Parts Tab in ARS. All required fields are to be completed.

800.4.2 INVOLVEMENT

Property taken into the custody of Marin County Sheriff's Office is to be categorized as one of the following Involvement types:

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Evidence (EVD) – Evidence is any property that comes into the custody of a Marin County Sheriff's Office employee when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect pursuant to an official criminal investigation.

Axon (AXN) – Photographs uploaded into Evidence.com and Body Worn Camera (BWC) videos uploaded to Evidence.com.

Safekeeping (SFK) – Property obtained by a member of this department with a known owner which is taken or submitted for temporary safekeeping.

Found (FOU) – Property obtained by a member of this department with an unknown owner which was submitted as found property.

Found and Returned to Owner (FRO) – Property obtained by a member of this department with a known owner which was intended to be submitted as found property. This type of property, however, is claimed by and returned to the owner prior to the entry of the property into ARS.

Observation (OBS) - Any property of no apparent immediate evidentiary value, but is held, examined, and/or tested by this department for 72 hours pending the issuance of a criminal complaint. After 72 hours, the property will be returned to the owner if no charges have been filed. The retention time for property entered as OBS is 72 hours.

Stolen and Recovered (SAR) – Stolen property that has been recovered and is being held as evidence or as authorized by the investigating deputy, the District Attorney or a magistrate, and is available for release to the rightful owner.

Stolen and Returned to Owner (SRO) –Stolen property obtained by a member of this department with a known owner which was originally submitted as Stolen and Recovered, however the owner has claimed the property prior to the entry of the property into ARS and that property was returned to the owner.

Destruction (DES) – Property turned in by a deputy specifically for destruction.

Under Investigation (UND) – Any property of no apparent immediate evidentiary value, but is held, examined, and/or tested by this department for 30 days pending the issuance of a criminal complaint. After 30 days the deputy needs to contact MCSO Evidence to provide a determination of INV TYPE or request an extension to be submitted to County Counsel along with details supporting the request.

800.4.3 EVIDENCE PRINT PROCESSING REQUEST

Evidence items being submitted for print processing by Crime Scene Investigation detectives are to be indicated in two different locations in ARS:

(a) In the Incident Tab, click on the Report Extra Tab and enter a "Y" in the Request Evidence Processing box. Also enter the name of the item(s) to be processed and type of processing requested.

(b) In the narrative of the report indicate specifically which items were submitted for processing and what type of processing is requested.

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800.5 ENTRY INTO THE AUTOMATED PROPERTY SYSTEM (APS) OR STOLEN VEHICLE SYSTEM (SVS)

Items that are serialized or have an owner applied number (OAN) should be entered into the Automated Property System (APS) when taken as evidence, stolen, found, or held for investigation. Electric bicycles qualify for entry into the Stolen Vehicle System (SVS) and the serial number should be added in place of the VIN.

(a) Item information, including the case number, item description and serial number or OAN should be forwarded to the Communications Center in a written format for entry into APS. This only applies to articles that could be positively linked to an owner, such as inscribed jewelry or serialized electronics, and not less identifiable items.

800.6 ENTRY INTO THE AUTOMATED FIREARMS SYSTEM (AFS)

All collected firearms or firearms reported to MCSO as lost or stolen will be entered into the Automated Firearms System (AFS). Pellet or BB guns will be entered into APS.

(a) For firearms submitted into evidence, a deputy will complete an MCSO Submission of Firearms into Property & Evidence form. The original should be immediately sent to Comm. Center for entry into AFS. The yellow copy is to be submitted into evidence with the packaged firearm.

  (a) If the firearm's serial number is obliterated, please fill out the field with "OBLITERATED".

  (b) When you receive a firearm that has no serial number (most likely older rifles), it is to be entered with a serial number "2ANTIQUE" or "ANTIQUE2".

  (c) When you receive a firearm that has no serial number and you believe it is a Firearm Manufactured By An Unlicensed Subject (FMBUS firearm), the firearms still requires an entry in AFS when taken as Evidence, a Crime Gun, Found or Safekeeping. Complete the submission of firearms form, leaving the serial number blank.

    i. Indicate in your report that you believe this firearm is a FMBUS gun. Send an email to MCSOEvidence@marinsheriff.org providing the case number and indicating a firearm is being submitted that is in need of a FMBUS number. Submit both copies of the firearm form with the firearm. The Property and Evidence Technician will then request a FMBUS number from the Department of Justice, complete the forms and send off to the Communications Center to be entered into AFS.

Entries into AFS require information on whether the firearm is a suspected Crime Gun. The investigating deputy will determine if a firearm meets the criteria of crime gun and will add that information to record type if applicable.

(a) The firearm should be entered as a crime gun if it was:

  (a) used in a crime;

  (b) in the possession of a prohibited person;

  (c) used in a suicide or attempted suicide;

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(d) found under suspicious circumstances likely to be associated with a crime; or

(e) collected for further investigation or observation in relation to a crime.

800.7 PROPERTY AND EVIDENCE HANDLING AND PACKAGING

All property and evidence items being submitted are to be placed in a sealed bag, envelope, or other designated packaging to avoid contamination and to ensure the integrity of the property or evidence. Packages are to be sealed with packaging tape and properly marked with the submitting member's initials and badge number overlapping the packaging seal. All packaging shall clearly and accurately reflect which item(s) from the Property and Evidence Report are enclosed; a property barcode label generated by ARS will be used for this purpose.

All property submitted to the Property and Evidence Division for storage shall be packaged in designated packaging materials. Refer to the following link for property and evidence packaging procedures:

Marin County Sheriff's Office LE Procedures Manual: 800.1 PROPERTY AND EVIDENCE PACKAGING

800.7.1 NARCOTICS AND OTHER DANGEROUS DRUGS

Any deputy who handles or collects suspected narcotics or any other suspected dangerous drug, shall only do so while wearing nitrile gloves. The suspected narcotics or dangerous drugs shall be left inside the original packaging material, and then placed into an appropriate heat sealed evidence bag. Deputies shall wear nitrile gloves and particle masks during any subsequent examination and packaging of the suspected narcotics or dangerous drugs. This includes weighing and photographing the suspected narcotics or dangerous drugs. At the conclusion of the packaging and examination process, deputies shall thoroughly wash their hands. A Naloxone kit shall be stored and available for use at any location where deputies regularly process property and evidence. Deputies should work with a secondary individual in the room observing them in order to monitor for any unintended exposure and to render aid if needed.

Only deputies assigned to the Specialized Investigation Unit who have specialized training and equipment for conducting presumptive tests on suspected narcotics and dangerous drugs may do so. Deputies not assigned to the Specialized Investigation Unit shall not conduct any presumptive test (i.e. NIK test) on any suspected narcotic or dangerous drug due to the danger of exposure to certain types of drugs (i.e. Fentanyl).

Deputies shall consider the following factors when attempting to identify suspected narcotics or dangerous drugs:

- The deputy's training and experience with regards to what he/she believe the substance is.
- Any admissions from the suspect as to what the substance is.
- Any paraphernalia associated with the substance (e.g. methamphetamine pipe, needles, crack pipe, burned foil, etc.).

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- Any probation status with a history of drugs.
- Any signs/symptoms exhibited by the suspect consistent with being under the influence of a specific drug.
- Deputies may solicit the opinion of another deputy who has more experience with identifying suspected narcotics and/or dangerous drugs.

Deputies who are still unsure of the type of narcotic or dangerous drug they have encountered may, with supervisor approval, contact the on-call Special Investigation Unit detective for advice.

Special Investigation Unit detectives have the training and equipment to perform presumptive tests on narcotics and other dangerous drugs in a safe manner. If exigent circumstances require such a test be performed, a request from the investigating deputy's supervisor shall be made to the on-call Special Investigation Unit detective. An example of exigent circumstances might be when an investigating deputy believes that he/she has located drugs, but is unable to articulate probable cause due to their lack of training and experience with drugs.

800.8 BOOKING PROPERTY AND EVIDENCE

All property and evidence being submitted to the Property and Evidence Division will be properly packaged in a sealed container, initialed, and contain a barcode label.

The property shall be physically deposited into a secured temporary pass-through evidence locker located in the Evidence Booking room (Room #128) at the Emergency Operations Facility (EOF). The pass-through lockers are accessible only to those who have access to the Property and Evidence Division. At the time of the deposit into the temporary evidence lockers, the items being submitted will be manually logged on the Evidence Deposit Log. The log is located on the counter across from the temporary storage lockers in the Evidence Booking room. The documentation of the deposit will include the following information: Date, time, badge number, case number, tag number, item number, and locker number the item(s) are placed in. The property report and property receipt (MCSO PS 01-19) and any additional required forms and evidence documentation will be submitted with the items being submitted.

800.8.1 RIGHT OF REFUSAL - IMPROPERLY SUBMITTED PROPERTY

Only a Property and Evidence Division technician, Crime Scene Investigation detective, or the Investigations Division Lieutenant has the authority to refuse acceptance of any item of property submitted in an unsafe, incomplete, or otherwise improper manner as defined in this policy.

Property and Evidence Division personnel will not accept any money or controlled substances in which the envelope, packaging, or container has been opened, tampered with, or otherwise improperly submitted.

A Property and Evidence Division technician, as soon as practicable, will notify the deputy submitting the item, or the deputy’s supervisor, who shall immediately cause the problem to be corrected.

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800.8.2 HOMICIDE EVIDENCE

All homicide evidence will be physically deposited into a secured temporary pass-through evidence locker located in the Evidence Booking room (Room 128) at the EOF. At the time of the deposit into the temporary evidence lockers, the items being submitted will be manually logged on the Homicide Evidence Deposit Log. The Homicide Evidence Deposit log is salmon in color and is located on the counter across from the temporary storage lockers in the Evidence Booking room. The documentation of the deposit will include the following information: Date, time, badge number, case number, tag number, item number, and locker number the item(s) are placed. The property report and property receipt (MCSO PS 01/19) will be submitted with the items being submitted.

800.8.3 BICYCLES

Bicycles are to be physically placed in the secured temporary designated storage area (Room 120D) at the EOF. The bicycle is to have a shipping tag affixed to the handlebars containing the ARS barcode label. The property report and property receipt (MCSO PS 01/19) are to be delivered to the Evidence Booking room and deposited in Locker 31. The bicycle information is to be logged on the Evidence Deposit Log located next to the secured temporary evidence lockers in the Evidence Booking room (Room 128), including the date, time, badge number, case number, tag number, item number, and location (Room 120D).

800.8.4 OVER-SIZED PROPERTY

Property too large to fit in an evidence locker will be delivered personally during a time that a Property and Evidence Division technician is available to personally receive the property, or it is to be placed in the secured temporary designated storage area (Room 120D) at the EOF. The property report and property receipt (MCSO PS 01/19) are to be delivered to the Evidence Booking room and deposited in Locker 31. The information for the over-sized property is to be logged on the Evidence Deposit Log located next to the secured temporary evidence lockers in the Evidence Booking room (Room 128) at the EOF, including the date, time, badge number, case number, tag number, item number, and location (Room 120D).

800.8.5 PERISHABLE - BLOOD, URINE, BODILY FLUIDS

Items of evidence that will spoil or decompose must be refrigerated to retain its value as evidence. Most organic material, except vegetable matter, will fall in this category.

Perishable items are not to be submitted into evidence unless they have evidentiary value in a major crime or with prior approval from a sergeant or higher. In lieu of submitting perishable items of evidence for merchandise taken from a retailer, photographs are to be taken, uploaded to Evidence.com, and documented and submitted as an item of evidence in ARS. These photographs should show overview and detail.

The property will be physically deposited into the refrigerator secured temporary pass-through evidence locker located in the Evidence Booking room (Room 128) at the EOF. The refrigerator pass-through lockers are accessible to only those who have access to the Property and Evidence Division. The key to the locker is to be dropped in the designated key slot for the locker the items are secured in. At the time of the deposit into the refrigerator temporary evidence lockers, the

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items being submitted will be manually logged on the Evidence Deposit Log. The log is located on the counter across from the temporary storage lockers in the Evidence Booking room. The documentation of the deposit will include the following information: Date, time, badge number, case number, tag number, item number, and locker number the item(s) are placed. The property report and property receipt (MCSO PS 01/19) will be submitted with the items being submitted.

Items too large to fit in the refrigerator pass-through lockers will be delivered personally during a time that a Property and Evidence Division technician or a CSI detective is available to personally receive the property.

800.8.6 BOOKING EVIDENCE INTO DRYING CABINETS

Wet and/or soiled property and evidence is not to be packaged and submitted to the Property and Evidence Division until it is completely dry.

The drying cabinets located in the Evidence Booking room (Room 128) are to be used for items of evidence. The procedures on how to use the drying cabinet and submit items of evidence are located on each of the drying cabinets.

Items of property that hold no evidentiary value or are personal property are to be thoroughly dried prior to being packaged and submitted into the secured temporary pass-through lockers located in the Evidence Booking room.

800.9 DESTRUCTION OF PROPERTY AND EVIDENCE

The Property & Evidence Technician will destroy property that has remained unclaimed by the owner or finder, property where ownership could not be established, property and evidence that is not returnable due to the fact it is property used in the commission of a crime, is illegal to possess, contraband, or considered a dangerous weapon.

When physically clearing a report, the Property and Evidence Technician will first check to verify that all release criteria have been met, including:

- The property is no longer needed as evidence
- The owner or finder has not claimed the property after notice to claim the property within 30 days
- The District Attorney has released the evidence
- The case has been tried, suspect(s) convicted and appeal period of 90 days has elapsed without receipt from the District Attorney that appeal has been granted
- District Attorney has not filed criminal charges and has no intention of filing criminal charges
- The property was submitted for destruction purposes only
- The arrestee has died
- There is no warrant for the suspect because he/she has fled prior to trial
- The court has ordered the property destroyed

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- The owner or finder has authorized the Department to dispose of property
- All efforts to contact owner or finder have failed and at least 30 days have passed since last effort to make contact by this department

In essence, all criteria must have been met to properly and legally dispose of the property prior to its destruction or disposal by this department.

All property, evidence, drugs, firearms, weapons that are not ammunition, a biohazard, or are electronic are to be submitted to Covanta for destruction. All items are to be inventoried, boxed and sealed off, and held in secured location until delivered on the destruction date scheduled. A report is to be generated in ARS documenting the destruction. The report will include the date, time, and people present during the destruction. All Covanta documentation, any destruction orders, and inventory lists generated for the destruction will be scanned and attached as an electronic file to the report.

The Property and Evidence Technician will then physically sort the property and dispose of or destroy it based on the type of property using the procedures set forth in the Destruction Process Procedures. All property and evidence submitted for destruction is to be documented in the Tiburon Records Management System following system disposal procedures.

Refer to the following link for information about the destruction process for various types of property and evidence:

Marin County Sheriff's Office LE Procedures Manual: 800.2 DESTRUCTION PROCESS

800.10 COURT ORDER SEALING OF CASES

Sealed record orders received by the Department shall be reviewed for appropriate action by the Evidence Technician. The Evidence Technician shall seal such records as ordered by the court. 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).

Sealed Juvenile Records - Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Evidence technician should ensure that the records are sealed within 60 days of that notice. Items sealed shall be placed in a secured container and held until the expiration identified on the order. At the time of the expiration the items shall be destroyed (Welfare and Institutions Code § 786.5).

Marin County Sheriff's Office LE Procedures Manual: 800.4 SEALED ORDERS AND SEALED JUVENILE RECORDS

800.11 DISPOSAL/RELEASE OF PROPERTY AND EVIDENCE ON A PERMANENT BASIS

800.11.1 DETERMINATION FOR DISPOSAL AND RELEASE

Prior to the disposal or release of property or evidence, the Property and Evidence Technician will first check to verify that all release criteria have been met in accordance with the Destruction of Property and Evidence Section of this policy.

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Prior to the release of any type of property being held by this department, verification that release criteria have been met and any documentation authorizing the release of the property must have been received.

800.11.2 NOTIFICATION TO OWNER

General - All items with identifiable owners will be notified via US Mail to the last known address on file. Items will be held for 30 days from the date of notification. Items unclaimed at the end of 30 days will be submitted for disposal at which time the method of disposal will be determined based on the type of property.

Firearms - Once firearms are eligible for release, notification will be sent to the owner of the firearms via US Mail using the last known address on file. Firearms will be held for 180 days. If all documentation to claim the firearms and the firearms are not physically claimed within the 180 days they are no longer eligible for release and will be submitted for destruction.

Marijuana - Legal marijuana submitted as safekeeping is eligible for release within 60 days of receipt.

800.11.3 PROPERTY RELEASED TO OWNER

General - The owner of the property must present a valid form of identification at the time of the property release. A color photocopy of this identification will be made and a list of the tag and item numbers being released to the owner will be attached with the copy of the identification to the report as an electronic file.

Firearms/Ammunition - In order to claim a firearm, ammunition, or ammunition feeding device, each firearm must be individually recorded in the owners' name seeking its return with the California Department of Justice and the Law Enforcement Release is to be completed. The Law Enforcement Release process requires any person who claims title of any firearm, ammunition, or ammunition feeding device that is in the custody or control of a court or law enforcement agency and wishes to have the item(s) returned, is to submit a Law Enforcement Release application to the California Department of Justice to determine eligibility to possess a firearm, ammunition or ammunition feeding device (Penal Code § 33850). Upon completion of the eligibility check, a clearance notification or denial will be provided by the California Department of Justice. If eligibility is granted, the clearance letter allowing for release must be presented to the Marin County Sheriff's Office within 30 days from the date of the eligibility notification.

Alternatively, owners have the right to transfer firearm(s), ammunition, and/or ammunition feeding devices to a Federal Firearms Licensed Dealer to do the following: Register firearm(s) with the CA DOJ BOF, obtain clearance from the CA DOJ BOF, store, sell, or transfer ownership. It is the responsibility of the owner to locate a Federal Firearms Licensed Dealer and to make arrangements for the transfer and provide written authorization to the Marin County Sheriff's Office identifying the Federal Firearms Licensed Dealer they have made such arrangements with along with a color copy of their identification.

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The owner has 180 days from the date of notification by the Marin County Sheriff's Office to complete the Firearm(s), ammunition, or ammunition feeding devices return process by collecting the items by the expiration date indicated and/or transfer the items to a Federal Firearms Licensed Dealer. Items not returned or transferred by the expiration date will be submitted for destruction.

800.12 PROPERTY AND EVIDENCE AUDIT AND INVENTORY

The purpose of an audit is not solely to verify compliance of policies and procedures, but also to identify areas that may need improvement or updating, and to correct any procedural deficiencies noted during the audit.

For purposes of this policy, an audit is defined as a formal periodic examination and checking of accounts or records to verify their correctness and adherence to policy and established protocol.

800.12.1 AUDITS

Weapons, currency, and controlled substances stored in the property room will be audited regularly to monitor the security of this property.

1. Internal Audits
    (a) The Investigations Division Commander will conduct an audit of the following types and amounts of property annually:
        i. Firearms (5)
        ii. Money Envelopes (5)
        iii. Controlled Substance Envelopes (10)
    (b) The items to be audited will be selected at random upon reviewing one or more of the following from the previous month(s)
        i. Property Reports
        ii. Property evidence log
        iii. Those items/records subject to audit
    (c) A comparison of the description of the item written in the Property Report with the actual item or the description on the container shall be made. Money or controlled substances envelopes shall not be opened, but seals inspected to verify the seals are intact.
    (d) A record shall be maintained of those items that are audited.
    (e) A yearly audit report shall be prepared and forwarded to the Sheriff.
2. External Audit
    (a) An external audit conducted by an independent source outside the Marin County Sheriff's Office shall be conducted every three to five years, or more frequently if deemed necessary.
3. Reporting Procedures

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(a) All audit procedures must be reviewed and signed by the person conducting the audit as well as the supervising property custodian.

(b) Any discrepancies discovered during the audit must be noted in the report.

800.12.2 INVENTORY

1. The Property and Evidence Technician shall conduct a complete inventory at least once a year, anytime a personnel change is made involving the Property and Evidence Technician, Crime Scene Investigation detective or Investigations Division Commander, or when deemed necessary by a department head.

   (a) Every item stored in the property system must be accounted for. All property storage areas, rooms, and sites shall be included in the inventory process.

   (b) All packages, containers or property tags shall be included in the inventory process

   (c) A copy of the Inventory report shall be completed after each inventory and forwarded to the Investigations Lieutenant.

      i. This report shall include any discrepancies and list any missing items, after which the Investigations Division Commander will make a determination if an investigation into the loss is warranted.

      ii. Whenever any firearm, money, or controlled substances are discovered missing, the Investigations Division Commander shall immediately be notified and an investigation ordered.

800.13 ACCESS TO PROPERTY AND EVIDENCE STORAGE AREAS

Access to the property and evidence storage areas is restricted and to be strictly controlled at all times. Keys to the main property room and all other property & evidence storage areas will remain under the control of, and are limited to the Property & Evidence Custodians, Crime Scene Investigation Detectives, and the Investigations Division Sergeants and Commander.

1. Department personnel shall not enter property and evidence storage areas unless the Property Clerk, Crimes Scene Investigation Detective or the Investigation Division Commander is present and there is a need to be there.

   (a) All visitors, who enter any property room storage area must sign in their name on a visitor log recording the date, time and reason for visit.

2. Property or evidence will only be removed from its storage location by the Property Clerk, Crime Scene Investigation Detective or Investigations Division Commander.

   (a) Duplication or possession of keys or electronic access to the property and evidence storage areas without permission is prohibited.

800.14 POLICY

It is the policy of the Marin County Sheriff's Office to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

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Documentary Services Division

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Marin County Sheriff's Office Documentary Services Division. The policy addresses department file access and internal requests for case reports.

801.1.1 PROCEDURES

There are no procedures associated with this policy.

801.2 POLICY

It is the policy of the Marin County Sheriff's Office to maintain department 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 Administration Bureau 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 Documentary Services Division.

(b) Scheduling and maintaining Documentary Services Division time records.

(c) Supervising, training, and evaluating Documentary Services Division staff.

(d) Maintaining and updating a Documentary Services Division 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:

1. Homicides.
2. Cases involving department members or public officials.
3. Any case where restricted access is prudent.

801.3.2 DOCUMENTARY SERVICES DIVISION

The responsibilities of the Documentary Services Division include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

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(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department 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), as applicable, for the following types of occurrences:

1. Deputy suicides
2. Deputy misconduct
3. Uses of force
4. Deputy deaths or assaults
5. Crime incidents
6. Deaths in custody

(h) Updating the Automated Firearms System to reflect any firearms relinquished to the Department 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

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to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).

(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 department'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 DOCUMENTARY SERVICES DIVISION 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 Documentary Services Division 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 department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Documentary Services Division, accessible only by authorized members of the Documentary Services Division. Access to case reports or files when Documentary Services Division staff is not available may be obtained through the Watch Commander.

The Documentary Services Division 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 Documentary Services Division. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Documentary Services Division shall be recorded on a designated report check-out log, which

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shall be the only authorized manner by which an original case report may be removed from the Documentary Services Division.

All original case reports to be removed from the Documentary Services Division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Documentary Services Division. The photocopied report shall be shredded upon return of the original report to the file.

801.6 CONFIDENTIALITY

Documentary Services Division staff has access to information that may be confidential or sensitive in nature. Documentary Services Division 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 Documentary Services Division procedure manual.

801.7 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by deputies of the Marin County Sheriff's Office and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Investigations Supervisor. The Investigations 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 determination that a finding of factual innocence is appropriate, the Investigations Supervisor shall forward the petition to the Records Manager to 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 Investigations Supervisor should respond to a petition with the Department’s decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

801.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Records Manager should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

(c) The California DOJ is notified.

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Records Maintenance and Release

802.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

802.1.1 PROCEDURES

There are no procedures associated with this policy.

802.2 POLICY

The Marin 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.).

802.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department 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.

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(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

802.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 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 Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 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.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. 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).

802.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 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 department (Government Code § 7927.200).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

(n) Records relating to the security of the department'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).

802.6 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 Department so that a timely response can be prepared.

802.7 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 department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

802.8 SEALED RECORD ORDERS

Sealed record orders received by the Department 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

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conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

802.8.1 SEALING JUVENILE RECORDS

Upon receiving notice from a probation department to seal a citation, juvenile arrest records, or other related records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

Upon receiving a list of juvenile arrest records that are eligible to be sealed from the California Department of Justice (DOJ), the Records Manager or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within six months of receiving the list, the Records Manager or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

802.9 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 Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

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

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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

802.9.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

1. The date of the notice.
2. Name and contact information for the Marin County Sheriff's Office.
3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.
7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the Marin County Sheriff's Office has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

(a) Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.

(b) When the breach involves an email address that was furnished by the Marin County Sheriff's Office, notification of the breach should not be sent to that

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email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

802.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.
2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
   (a) Email notice when the Department has an email address for the subject person.
   (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

802.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a deputy, or depicts an incident in which the use of force by a deputy against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

802.10.1 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:

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(a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department 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).

802.10.2 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.

802.10.3 REDACTION

If the Custodian of Records, in consultation with the Sheriff or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department 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).

802.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted

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or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

(a) The person in the recording whose privacy is to be protected, or the person's authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department 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

803.1 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 Marin County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Marin 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.

803.1.2 PROCEDURES

There are no procedures associated with this policy.

803.2 POLICY

Members of the Marin 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.

803.3 RESPONSIBILITIES

The Sheriff shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (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. See the Marin County Sheriff's Office CJIS Access, Maintenance, and Security Policy for additional guidance.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

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(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

803.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Marin 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. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

803.4.1 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).

803.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Documentary Services Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

803.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

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803.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of deputies, other department 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 MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

803.6 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).

803.7 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

(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.

803.7.1 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

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table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

803.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Computers and Digital Evidence

804.1 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.

804.1.1 PROCEDURES

There are no procedures associated with this policy.

804.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, deputies should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.

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4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

804.2.1 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.

804.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

804.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Technician to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

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804.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(b) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

804.5 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.

This section does not apply to digitally stored evidence from a body worn camera or from the Axon Capture application. Refer to the Portable Audio/Video Recorders and Use of Axon Capture for Digital Evidence policies for information regarding digitally stored evidence from those devices.

804.5.1 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.

804.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property Room as soon as possible for submission into evidence.

(b) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

(c) Deputies requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

804.5.3 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.

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(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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CJIS Access, Maintenance, and Security

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access Criminal Justice Information.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

805.2 POLICY

It is the policy of the Marin County Sheriff's Office to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

805.3 CJIS COORDINATOR

The Sheriff shall appoint a CJIS coordinator, who shall be responsible for the Marin County Sheriff's Office's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

805.3.1 CJIS COORDINATOR RESPONSIBILITIES

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

(a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the California Justice Information Services.

(b) Managing member accounts with access to CJI, including:

1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:

1. Maintaining a list of organizations and personnel approved by the Sheriff to perform maintenance on CJI systems.
2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
4. Maintaining records for all system maintenance and diagnostic activities.

(d) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.

(e) Providing for the security of hardware that includes provisions for the following:

1. How hardware is to be brought into and taken out of department facilities
2. Physical security of hardware within department facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(f) Implementing and carrying out the department Incident Response Plan, including:

1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
4. Providing information on security incidents to any third-party software developers or vendors as appropriate.

(g) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

(h) Developing and updating department information security and privacy literacy training and incident response training as required by policy.

(i) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

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(j) Managing the development, documentation, and dissemination of procedures for the following:

1. Awareness and training
2. Incident response
3. Audit and accountability
4. Access control
5. Identification and authentication
6. Configuration management
7. Media protection
8. Physical and environmental protection
9. System and communications protection
10. System and information integrity
11. Maintenance
12. Security and privacy planning
13. Contingency planning
14. Risk assessment

(k) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Sheriff.

805.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan as soon as possible.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

805.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

805.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Sheriff or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

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(a) The account has expired.

(b) The account is no longer associated with a member.

(c) The account is found to be in violation of this policy.

(d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

805.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

(a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.

(b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.

(c) Non-privileged members shall not be allowed to execute privileged functions.

805.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

805.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall be documented.

805.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to

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overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

805.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

(a) Flaw remediation.

(b) System monitoring.

(c) Security alerts, advisories, and directives.

(d) Software, firmware, and information integrity controls.

(e) Spam protection.

805.9 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

805.10 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.1.1 PROCEDURES

Procedures Manual: 808.1 ANIMAL CONTROL - PROCEDURES - Click to view procedures

806.2 POLICY

It is the policy of the Marin County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 THE HUMANE SOCIETY RESPONSIBILITIES

Animal control services are generally the primary responsibility of the Humane Society and include:

(a) Animal-related matters during periods when the Humane Society is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that the Humane Society is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

806.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

    (a) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

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(b) With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

(c) If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

806.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

806.6 ANIMAL BITE REPORTS

The Humane Society has the primary responsibility for investigating and documenting animal bites.

806.7 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner. If the owner cannot be located, the dog should be turned over to the Humane Society.

806.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, members should contact their supervisor to determine available resources, including requesting the assistance of the Humane Society.

806.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently attempt to resolve calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues. Resolving such calls may involve contacting the Humane Society for guidance or to refer a nuisance case to their agency.

806.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed. A member handling such a complaint should request the Humane Society when appropriate.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

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806.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the deputy should notify the Humane Society.

806.11.1 INJURED WILDLIFE

Injured wildlife should be referred to the Humane Society, the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

806.11.2 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.

(b) Take steps to minimize damage to the vehicle.

(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.

(e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

(f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

806.11 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor. If a deputy cannot safely euthanize the injured animal with a firearm, he or she shall request the Humane Society respond to euthanize the animal.

The use of a firearm to euthanize a badly injured animal or stop a dangerous animal shall be documented in a report.

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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 Marin County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of department 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.

900.1.2 PROCEDURES

There are no procedures associated with this policy.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department 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.

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900.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Marin County Sheriff's Office facilities. When practicable, the search should be conducted by a member of the same sex as the individual being searched.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

900.5 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures Custody Policy 511.5, except that the Watch Commander authorization does not need to be in writing.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. 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

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department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander’s approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

900.7 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

900.8 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.

900.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Sheriff or the authorized designee should establish procedures for the following:

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(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).

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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 Marin County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

1000.1.1 PROCEDURES

There are no procedures associated with this policy.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Marin 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 Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Professional Standards Unit shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

(a) Establishment of a written recruitment plan.

1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.

(b) Identification of racially and culturally diverse target markets.

(c) Use of marketing strategies to target diverse applicant pools.

(d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(f) Employee referral and recruitment incentive programs.

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(g) Consideration of shared or collaborative regional testing processes.

The Administration Bureau 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 Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department 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).

(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)

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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, including the National Decertification Index

1000.4.1 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).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Marin 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).

1000.5.1 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 Marin County Sheriff's Office, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.5.2 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).

1000.5.3 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

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1000.5.4 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Bureau Commander should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The Administration Bureau 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 Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Professional Standards Unit for final review and submission to POST (11 CCR 1953).

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The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1000.5.6 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 Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.

(b) Reports and documentation for candidates not hired by the Department for a minimum of four years.

1000.5.7 INVESTIGATOR TRAINING
Background investigators shall complete POST-certified background investigation training prior to conducting investigations for sworn personnel and dispatch personnel (11 CCR 1953; 11 CCR 1959).

1000.5.8 CONFIDENTIAL POST RECORDS
Records released to the Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

1000.6 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

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

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1000.7 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 Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

(b) Be legally authorized to work in the United States under federal law

(c) At least 21 years of age except as provided by Government Code § 1031.4

(d) Fingerprinted for local, state, and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)

(i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

    1. Reading and writing ability assessment (11 CCR 1951)

    2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

(j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)

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(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 Department (Penal Code § 13510(d)).

1000.7.2 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)

1000.8 PROBATIONARY PERIODS

The Professional Standards Unit should coordinate with the County of Marin 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.

1000.9 PRE-EMPLOYMENT TRUTH VERIFICATION TESTING

It is the policy of this department to administer pre-employment truth verification tests to all sworn and non-sworn applicants for employment. In addition, all volunteers and interns over the age of 18 will be given a truth verification test.

It is the Sheriff's determination that the Sheriff has a compelling interest to protect the public by requiring a pre-employment truth verification test as a tool to screen persons who may be attempting to conceal undetected criminal activity. Currently, the Department utilizes one of two methods for truth verification: a Computerized Voice Stress Analysis (CVSA) or a polygraph examination.

Topics to be covered in the truth verification test will include, but are not be limited to:

- `Falsifying employment information
- Applying for the job for subversive purposes
- Theft from employers
- Drug use
- Involvement in illegal sex acts
- Involvement in domestic violence
- Intentionally withholding information

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- Committing a crime not disclosed

The pre-employment truth verification testing is simply a tool utilized by the Department to detect behavior in individuals that is not detectable through other conventional testing techniques. The truth verification testing also ensures the applicant was truthful in his/her interview and the information provided in his/her Personal History Statement.

The pre-employment truth verification testing is required for all positions within the Department. Every employee hired by the Department regardless of rank or position will be subjected to a truth verification test and must pass a subsequent vigorous pre-employment background investigation.

With respect to applicants for employment in the Marin County Jail, the unique nature of this employment requires truth verification testing due the employee's participation in the care and custody of penal inmates, their access to very sensitive information, access to any number of possible items that could be utilized as weapons by inmates, the need for the utmost security in the jail, and for certain personnel, the medical care of prisoners, which includes rendering drugs to inmates and sensitive bodily contact during treatment of inmates.

All applicants, whether applying for a job, or a volunteer position, will be informed that they are required to subject themselves to a truth verification test at the beginning of the selection process. All applicants will be given at least 24 hours' notice of the date and time of the truth verification test.

The questions will be the same for all applicants, with the exception of lateral police officer applicants. Lateral police officer applicants will be asked additional questions pertaining to their past conduct as a police officer.

The truth verification test will be administered by a certified examiner. The results of the truth verification test will not be used as the sole justification for denying employment, but may be used in conjunction with other disqualifying information. In the event the results of the truth verification test are contested, the Sheriff will be the final determining authority.

Truth verification test results will be maintained by the Professional Standards Unit as part of the restricted personnel background files.

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Grievance Procedure

1002.1 PURPOSE AND SCOPE

It is the policy of this department 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 Department’s philosophy is to promote a free verbal communication between employees and supervisors.

1002.1.1 PROCEDURES

There are no procedures associated with this policy.

1002.2 GRIEVANCE PROCEDURE

All grievances shall be handled in accordance with the respective member's memorandum of understanding (MOU) or Marin County Personnel Regulation 24: Grievance Procedure.

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Anti-Retaliation

1003.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1003.1.1 PROCEDURES

There are no procedures associated with this policy.

1003.2 POLICY

The Marin 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 according to the guidelines set forth in Marin County Personnel Management Regulation (PMR) Section 2.

1003.3 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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Reporting of Arrests, Convictions, and Court Orders

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Marin County Sheriff's Office. This policy will also describe the notification requirements and procedures that certain retired deputies must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1004.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

See attachment: Disclosure Regarding Domestic Violence Convictions.pdf

1004.2 POLICY

The Marin County Sheriff's Office requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1004.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired deputies with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

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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, and shall be reported as provided in this policy.

1004.5 REPORTING

All members and all retired deputies with an identification card issued by the Department shall immediately notify their supervisors (retired deputies should immediately notify the Watch Commander or the Sheriff) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether or not the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Department shall further promptly notify their supervisors (retired deputies should immediately notify the Watch Commander or the Sheriff) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired deputy from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired deputies may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1004.5.1 NOTIFICATION REQUIREMENTS

The Administration Bureau Commander shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

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Drug- and Alcohol-Free Workplace

1005.1 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).

1005.1.1 PROCEDURES

There are no procedures associated with this policy.

1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1005.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1005.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on- or off-duty is prohibited and may lead to disciplinary action.

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

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On-duty employees shall not drink any alcoholic beverages, except when in civilian attire and only as necessary to the performance of their duties. 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).

1005.5 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.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1005.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.

(d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

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1005.7.1 SUPERVISOR RESPONSIBILITIES
The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1005.7.2 DISCIPLINE
An employee may be subject to disciplinary action if the employee:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1005.7.3 NARCOTICS ENFORCEMENT UNIT TESTING
Any deputy specifically assigned to a narcotics enforcement unit shall submit to an unannounced chemical test twice each year. When applicable, the process for submitting a sample for chemical analysis shall be witnessed by a person of the same gender, as designated by a supervisor. The supervisor will follow appropriate procedures to maintain the chain of custody of the sample obtained.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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Sick Leave

1006.1 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; Government Code § 12945.8; Labor Code § 1510).

1006.1.1 PROCEDURES

There are no procedures associated with this policy.

1006.2 POLICY

It is the policy of the Marin County Sheriff's Office to provide eligible employees with a sick leave benefit.

1006.3 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.

1006.3.1 NOTIFICATION

All members shall notify the supervisor in the division in which they are assigned as soon as they are aware that they will not be able to report to work at least four hours, but 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). The supervisor who receives the sick call shall send an email to the scheduling Lieutenant or Manager from the division in which the employee who is reporting their absence is assigned advising of the sick call. Nothing in this section precludes the Department head from requiring a physician's certificate or other evidence of illness or injury (Marin County Personnel Management Regulation 44.1).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

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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.

When an employee is injured on-duty, becomes ill, or suffers a recurrence of a previous injury or illness and must leave work, he/she shall notify their supervisor. The supervisor shall investigate the circumstances of the reported illness or injury and notify the Division Commander.

If the illness or injury is the result of a recurrence of a prior occupational illness or injury, the supervisor shall also notify the Professional Standards Unit Lieutenant as soon as practicable.

Whenever an employee, while off-duty, becomes ill, is injured, or suffers a recurrence of an old on-duty or off-duty injury and it is evident that he/she will not be able to report for duty as scheduled, he/she shall notify his/her immediate supervisor, or an appropriate on-duty supervisor by telephone.

1006.3.2 WORK RELATED INJURIES

If the illness or injury the employee is reporting is work related, the employee shall follow the procedures set forth in the Occupational Disease and Work-Related Injury Reporting Policy.

1006.4 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 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.

1006.4.1 REPORTING WHERABOUTS WHILE OFF-DUTY

When an employee who is off work for either an occupational or non-occupational illness or injury, he/she shall not absent themselves from the County of their residence for more than 24 hours without advising their Division Commander of their destination and probable time of return.

When assigned to an organizational unit that does not operate on a 24 hour basis and the required notifications are made during non-operating hours, the member or professional staff shall telephone the Patrol Division Watch Commander or the authorized designee and provide the required information.

When an employee is assigned to the Administration Division in an extended illness or injury status, he/she shall remain in regular contact with the Professional Standards Unit Lieutenant, or Sergeant if the Lieutenant is unavailable.

If hospitalized for more than 24 hours, the employee or an alternative family member (or designated representative) shall provide the name of the hospital to his/her current organizational unit.

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1006.4.2 TRANSFER OF PERSONNEL TO THE ADMINISTRATION AND SUPPORT SERVICES BUREAU

An employee absent from duty for 30 consecutive calendar days due to a work related injury will be temporarily transferred to the Administration and Support Services Bureau in an extended illness or injury status. He/she will remain on the personnel roster of their assigned Division.

1006.4.3 RETURNING TO REGULAR DUTY ASSIGNMENT

An employee who has been off three or more work days recovering from illness or injury shall telephone his/her Unit Commander or the authorized designee and state his/her availability and intention to return to duty.

An employee returning to full duty following either an occupational or non-occupational disability must first obtain a work status report or statement from his/her treating physician indicating that he/she is fully capable of performing all the duties of his/her usual and customary position without restrictions when:

- Returning after a period of disability due to a new or recurring occupational injury
- Returning from modified duty assignment
- Has been off duty greater than three work days or unless otherwise directed by supervisor or Unit Commander
- Has been hospitalized overnight
- Returning from an illness or injury which was either recurring or serious in nature

The employee shall report to his/her unit of assignment with the appropriate release to full duty. Should any Unit Commander have any doubt as to the ability of an employee to return to his/her usual and customary assignment following illness or injury, he/she shall refer them to the Professional Standards Unit for a fitness-for-duty examination.

Unit Commanders shall not permit an employee to return to full duty without first receiving documentation of clearance from the designated treating physician or fitness-for-duty physician.

1006.4.4 RETURNING TO WORK IN A TEMPORARY MODIFIED DUTY CAPACITY

All modified duty assignments will be handled in accordance with the Temporary Modified-Duty Assignments Policy.

When an injured or ill employee is released by his/her treating physician to temporary modified duty, the employee’s Division Commander will notify the Professional Standards Unit Lieutenant.

No employee shall be permitted to return to a modified duty assignment without express written approval from the Professional Standards Lieutenant.

1006.5 OUTSIDE EMPLOYEMENT WHILE OFF-DUTY DUE TO ILLNESS OR INJURY

Whenever an employee is off work due to injury or illness or is on a modified duty assignment, he/she shall not work at or be present at any outside employment or job site in any work related capacity. Any authorization issued by the County or the Department for outside employment will

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be considered suspended until the employee has been cleared by the treating physician to return to full duty.

1006.6 MEDICAL TREATMENT FOR ON-DUTY PERSONNEL

The immediate supervisor is responsible for obtaining immediate medical attention for an employee who is injured on-duty. In non-emergency situations, the employee shall be directed to an approved medical facility or provider.

For any serious or emergency on-duty injuries or illnesses, personnel will report to the nearest hospital. An employee may be transported by ambulance or other appropriate means of transport at the discretion of the responsible individual on the scene.

The supervisor of the injured/ill employee is responsible for notifying the Division Commander as soon as practicable. If the injury or illness requires inpatient hospitalization, the supervisor shall also notify the Sheriff, Undersheriff, and Bureau Commander as soon as practicable. The Professional Standards Unit Lieutenant shall notify the County Safety Officer and Workers Comp Liaison in Risk Management of serious injury/illness, hospitalization or death of an employee the next business day.

1006.7 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 department 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.

1006.8 REQUIRED NOTICES

The Director of Human Services shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

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1006.9 ABSENCE FROM DUTY

Every employee who fails to appear for duty at the date, time and place specified for so doing, without the consent of competent authority, is absent without leave. Such absences within the period of one day must be reported in writing to the Division Commander. Absences without leave in excess of one day must be reported in writing to the Sheriff.

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Communicable Diseases

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1007.1.1 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 Marin County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1007.1.2 PROCEDURES

There are no procedures associated with this policy.

1007.2 POLICY

The Marin 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.

1007.3 EXPOSURE CONTROL OFFICER

The Professional Standards Lieutenant will act as the Exposure Control Officer (ECO). At times it will be necessary for a Sergeant or Watch Commander to act on behalf of the ECO in an effort to accomplish items listed in this policy in a timely manner.In coordination with the County of Marin Risk Management Office, 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 department 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).

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(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):
   (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 department members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Department 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).

1007.4 EXPOSURE PREVENTION AND MITIGATION

1007.4.1 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 department vehicles, as applicable.

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(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1007.4.2 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).

1007.5 POST EXPOSURE

1007.5.1 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.

1007.5.2 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

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documented using the appropriate State of California Employer’s Report of Occupational Injury/ Illness forms (DWC-1, 5020) (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).

1007.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department 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 or immediate supervisor should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1007.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1007.5.5 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.

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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 he/she refuses.

1007.6 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.

1007.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1008.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Marin County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use may include, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1008.1.1 PROCEDURES

There are no procedures associated with this policy.

1008.2 POLICY

The Marin County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1008.3 SMOKING AND TOBACCO USE

Smoking and tobacco use of any kind by members is prohibited anytime members are in public view representing the Marin County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco smoking product inside County facilities and vehicles.

1008.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1008.4.1 NOTICE

The Department or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

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Personnel Complaints

1009.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Marin 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.

1009.1.1 DEFINITIONS

Personnel Complaint - An official inquiry into the facts and circumstances of allegations of member misconduct to determine whether or not misconduct occurred. This definition applies to the various types of complaints listed in the Complaint Classifications section of this policy.

1009.1.2 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

See attachment: CC Pamphlet English 2022.pdf

See attachment: CC Pamphlet Spanish 2022.pdf

See attachment: Citizen Complaint English 2022.pdf

See attachment: Citizen Complaint Spanish 2022.pdf

1009.2 POLICY

The Marin County Sheriff's Office takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any collective bargaining agreements.

It is the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

It is also the policy of this department to establish procedures to investigate personnel complaints against members of this department and to make those procedures available to the public in accordance with Penal Code § 832.5.

1009.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department 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 department policy, or federal, state or local law, policy, or rule may be handled informally by a supervisor and shall not be

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considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

1009.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Professional Standards Unit Lieutenant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

- **Citizen Concern** - Citizens may make a complaint against department personnel that are withdrawn by the complainant or resolved merely as an issue of concern. Citizen Concerns are considered an informal personnel complaint.

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 Professional Standards Unit Lieutenant, depending on the seriousness and complexity of the investigation. There are two types of formal complaints:

- **Citizen Complaint** - A complaint of misconduct made against a member of this department by any person who is not a member of the Department.
- **Special Investigation** - A complaint of misconduct brought to the attention of the Sheriff by a member of this department.

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 Professional Standards Unit Lieutenant, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Referred Investigation - A complaint more appropriately investigated and resolved by other procedures and/or processes (i.e., complaint is addressed through inmate grievance procedure).

Summary Investigation - An inquiry and written record consisting solely of a review of the complaint and interview of the accused member when the complainant in the preceding five year period has filed at least two complaints that have been determined to be unfounded, exonerated, or frivolous.

Every personnel complaint shall conclude with an investigation report which will be a written record of the investigative facts and findings.

1009.3.2 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.

1. If an individual from the public makes a complaint in person, but refuses to document the complaint in writing, the supervisor receiving the complaint should make an audio and/or visual recording of the complaint if possible (e.g. body worn camera, digital audio recorder).

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(b) Any department 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.

1009.3.3 DISCLOSURES PERTAINING TO OPEN INVESTIGATIONS

Information of any form pertaining to any personnel complaint, anticipated, in-progress, or concluded, shall not be disclosed by any member of the Department to any other person, except as permitted by statute, law, or in strict compliance with the official investigation.

However, a member has an affirmative duty to contact his/her immediate supervisor with information that he/she believes is relevant to a personnel complaint. The supervisor receiving the information shall immediately notify the Professional Standards Unit Lieutenant who in turn, shall provide the investigator with the information and the name of the member providing it.

1009.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1009.4.1 COMPLAINT FORMS

Personnel complaint forms will be provided upon request at all sheriff's facilities and be accessible through the department website. Inmates at the Marin County Jail should be directed to file an inmate grievance to report a complaint regarding conditions at the Jail or staff conduct before submitting a citizen complaint form.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1009.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. The receiving department member shall sign the complaint form acknowledging receipt from the complainant. 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 Department (Penal Code § 832.7).

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1009.4.3 HATE COMPLAINTS AGAINST PEACE OFFICERS
Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that a deputy has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1009.5 DOCUMENTATION

Supervisors shall ensure that all formal personnel complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All formal 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. This log will be maintained by the Professional Standards Unit Lieutenant. On an annual basis, the Department should audit the log and send an audit report to the Sheriff or the authorized designee.

1009.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1009.6.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action, or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    (a) The original complaint form will be directed to the Professional Standards Unit Lieutenant, via the chain of command, who will take appropriate action and/or 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 Bureau Commander or the Sheriff, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made as soon as practicable.

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2. If the matter is resolved and no further action is required, the supervisor will note the resolution in a memo and forward the memo to the Professional Standards Unit Lieutenant.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Sheriff are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Professional Standards Unit Lieutenant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination as described in Marin County Personnel Management Regulation 21.

(f) Forwarding unresolved personnel complaints to the Professional Standards Unit Lieutenant, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) 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.

(h) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1009.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

When conducting an investigation, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Marin 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 sworn member solely because the member has been placed on a prosecutor's *Brady* list or the name of the member 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 sworn member has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1009.6.3 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.

Witness List - A list of anyone who was interviewed in relation to the investigation.

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.

1009.6.4 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 department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8). A frivolous complaint is one that is totally and completely without merit and for the sole purpose of harassing department personnel (Code of Civil Procedures § 128.6(b) (2).

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 sworn member were found to violate law or department policy (Penal Code § 832.8).

Referred Disposition – The complaint was appropriately investigated and resolved through other procedures and/or processes (i.e., the complaint was addressed through inmate grievance procedure).

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.

1009.6.5 COMPLETION OF INVESTIGATIONS

Administrative investigations shall be completed within 30 days from the date the complaint is made absent approval from a Bureau Commander for an extension. Personnel complaint investigations are a priority function of the Department. In cases of personnel complaint investigations that are not concluded within 30 days, the assigned investigator shall proceed with

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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 shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1009.6.6 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.

1009.6.7 DISCIPLINE

The Sheriff, at the conclusion of an Administrative Investigation, may determine that corrective or disciplinary action must be taken against a member. Corrective or disciplinary action includes the following:

Corrective Action - Action that can be taken to correct misconduct:

- Counseling (may be documented)
- Oral Reprimand (may be documented)
- Training (may be documented)

In accordance with current case law, any documentation of counseling, oral reprimand, or training that is provided as the result of a sustained personnel complaint shall not state or infer said counseling, oral reprimand, or training was imposed as a form of discipline, either implicit or implied.

Disciplinary Action - Action that can be taken to discipline a member for misconduct:

- Written Reprimand
- Transfer or reassignment
- Voluntary surrender of accrued vacation time in lieu of other action
- Voluntary surrender of accrued compensatory time in lieu of other action
- Suspension
- Reduction in pay grade
- Demotion
- Termination

1009.7 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.

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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).

1009.7.1 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

1009.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) Shall be temporarily reassigned to the Professional Standards Unit during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1009.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Marin 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.

1009.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, the investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review the report and

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include his/her comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1009.10.1 BUREAU COMMANDER RESPONSIBILITIES

Upon receipt of any completed administrative investigation, the Bureau Commander of the involved member shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The Bureau 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 Bureau 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 Bureau 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.

1009.10.2 SHERIFF AND UNDERSHERIFF RESPONSIBILITIES

Upon receipt of a completed administrative investigation resulting in a sustained finding, and which includes a recommendation for disciplinary action including counseling, training, oral reprimand, or written reprimand, the Undersheriff, if approving of the recommendation, shall direct the recommending Bureau Commander to carry out the imposition of the disciplinary action.

Upon receipt of a completed administrative investigation resulting in a sustained finding, and which includes a recommendation for disciplinary action other than counseling, training, oral reprimand, or written reprimand, the Undersheriff shall review the recommendation and all accompanying materials. The Undersheriff may modify any recommendation and/or may return the file to the Bureau Commander for further investigation or action.

Once the Undersheriff is satisfied that no further investigation or action is required by staff, the Undersheriff shall forward the investigation to the Sheriff.

The Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Undersheriff 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 Undersheriff shall also provide the member with:

1. Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
2. An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
    (a) Upon a showing of good cause by the member, the Undersheriff 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 Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1009.10.3 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)).

1009.10.4 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)).

1009.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused member 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 member shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the member 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 member may suggest that further investigation could be conducted or the member 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 member shall be provided with the results prior to the imposition of any discipline.

(e) The member 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.

1009.12 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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1009.13 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 sworn member 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).

1009.14 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.

1009.15 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.

1009.16 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 Department 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 Marin 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.

1009.16.1 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 Department

(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.

1009.16.2 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 Department 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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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 department vehicles (Vehicle Code § 27315.5).

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

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.

1010.1.2 PROCEDURES

There are no procedures associated with this policy.

1010.2 POLICY

It is the policy of the Marin 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 department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

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

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in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1010.5 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way (excluding seat belt extenders), 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.

1010.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1010.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.1.1 PROCEDURES

There are no procedures associated with this policy.

1011.2 POLICY

It is the policy of the Marin 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

The Training Sergeant shall ensure that body armor is issued to all deputies when the deputy begins service at the Marin County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Training Sergeant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Deputies shall only wear agency-approved body armor.

(b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when a deputy is working in uniform or taking part in Department range training.

(e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1011.3.2 INSPECTIONS OF BODY ARMOR

Deputies shall routinely inspect their ballistic vests for signs of unusual wear and/or damage. Any such wear or damage shall be immediately reported to the Training Sergeant, who will determine

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whether the soft body armor in question is no longer serviceable. Any unusually worn or damaged vest shall be repaired or replaced as necessary.

1011.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Deputies are responsible for the regular care and maintenance of their issued body armor in compliance with the instructions described by the manufacturer’s user guide.

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 TRAINING SERGEANT RESPONSIBILITIES

The Training Sergeant should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates deputies about the safety benefits of wearing body armor.

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Personnel Records

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.

1012.1.1 PROCEDURES

There are no procedures associated with this policy.

1012.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1012.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently retained.

(e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).

  (a) 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 six years (Government Code § 12946).

  (b) 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).

  (c) A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as supervisor notes or memos may be retained in the department 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).

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2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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. This file will be maintained by the supervisor within the Trakstar evaluation program for each employee they supervise.

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 Manager 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 Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1012.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

(a) Not sustained

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(b) Unfounded

(c) Exonerated

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department 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 six 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 six 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.

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.

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. In most circumstances this will be the Professional Standards Unit Lieutenant.

Upon receipt of any such request, the Custodian of Records shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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The Custodian of Records shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law with the assistance of County Counsel.

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 department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

The Department may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former deputy, as permitted by law (Penal Code § 832.7(b)(13)).

1012.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of a deputy from this department 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 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 Department 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 Department 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:

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(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 Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the 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 Department and the member that may be discovered in a judicial proceeding.

1012.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) Citizens' Complaints and Special Investigations will normally be retained for a period of at least six years. Each year, the Professional Standards Unit Lieutenant will conduct an assessment of which investigations are eligible to be purged. The Professional Standards Unit Lieutenant will submit a memorandum to the Administrative Captain requesting to purge eligible files after consulting with County Counsel that there is no pending litigation or other ongoing legal proceedings.

(b) If the Professional Standards Unit Lieutenant 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 or the authorized designee.

(c) If, in the opinion of the Sheriff or the authorized designee, 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.

1012.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF DEPUTIES

Personnel records and records related to certain incidents, complaints, and investigations of deputies shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

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The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against a deputy in connection with an incident, whether the deputy's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(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 (see the Personnel Complaints Policy) was made by the Department 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 Department 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 Department 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) against the deputy. 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)).

1012.11.1 REDACTION

The Custodian of Records, in consultation with the Sheriff or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of deputies
(b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the deputy or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1012.11.2 DELAY OF RELEASE

Unless otherwise directed by the Sheriff, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

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(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against a deputy or against someone other than a deputy who engaged in misconduct or used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until:

(a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1012.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than a deputy and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department 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 Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

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Request for Change of Assignment

1013.1 PURPOSE AND SCOPE

This policy provides guidelines by which the Marin County Sheriff's Office will address sworn members who request a change of assignment.

1013.1.1 PROCEDURES

There are no procedures associated with this policy.

1013.1.1 DEFINITIONS

Request for Transfer - A voluntary request for reassignment from one organizational unit to another including, but not limited to:

- Professional Standards Unit
- Patrol Division
- Investigations Division
- Court Security Division
- Major Crimes Task Force
- Custody Division
- Coroner Division
- Civil Division

Sergeants Rotation List - A list of sergeants maintained in order to manage the movement of sergeants from one organizational unit or bureau to another. The Sergeants Rotation List records each sergeant’s promotion date and the transfer date into and out of each subsequent duty assignment. The Professional Standards Unit Lieutenant shall be responsible for maintaining and updating the Sergeants Rotation List.

1013.2 POLICY

It is the policy of the Marin County Sheriff's Office to provide the public with the highest possible standard of law enforcement service. This commitment to providing quality service shall always be the primary factor in deciding the assignment and reassignment of deputies and sergeants to the varied duties within that rank.

Each deputy and sergeant shall be considered as an individual who possesses certain capabilities and qualifications. His/her assignment will be based on those known factors and the Department's assessment of the need for staffing and services in each bureau and division.

This policy does not alter the authority of the Sheriff to make any transfer he/she deems necessary for the efficient operation and management of the Marin County Sheriff’s Office.

1013.3 DEPUTY REQUEST FOR CHANGE OF ASSIGNMENT

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1013.3.1 REQUEST FOR CHANGE OF ASSIGNMENT PROCEDURES - DEPUTY
A deputy may submit a request for transfer after 24 months of permanent assignment in the organizational unit from which he/she is requesting transfer. The last two employee evaluations while in that assignment must have been satisfactory (i.e., meet or exceed standards).

Exception: A deputy may submit a request for transfer before the 24 month period if the Department has published a notice of transfer opportunity and requested applications from interested members.

The new organizational unit to which a deputy is requesting a transfer must have a position of the same rank or employee classification in order for the request to be considered.

The request for transfer memo must be done in writing and on department letter head, or in the manner directed by the specific transfer opportunity notice. The request for transfer memo should contain the following information:

- Name and badge number
- Rank and date of rank
- Present duty assignment
- Length of time in present duty assignment
- Previous duty assignment wherein length of assignment exceeded six months
- Requested new assignment

Exception: Some department transfer opportunities may have specific application forms that should be completed and submitted.

The deputy shall forward the request through his/her chain of command to the Commander of the Bureau to which he/she is presently assigned. The Bureau Commander shall indicate approval or disapproval of the request and forward the request to the Bureau Commander of the requested unit, who will also indicate approval or disapproval. The transfer request will then be forwarded to the Undersheriff for review. The Undersheriff shall approve or disapprove of the transfer. Transfer requests for the same position shall not be resubmitted at less than six month intervals.

1013.3.2 DEPUTY RESPONSIBILITIES
A deputy who has been transferred to a new organizational unit shall:

1. Contact the unit to which he/she has been newly assigned for the purpose of determining his/her duty assignment, and the time he/she is to report to the new assignment.
2. Contact the Commanding Officer of the unit to which he/she was formerly assigned for the purpose of turning in equipment as necessary, and/or receive any special instructions regarding the transfer.

1013.4 SERGEANT REQUEST FOR CHANGE OF ASSIGNMENT

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1013.4.1 INITIAL ASSIGNMENT UPON PROMOTION TO THE RANK OF SERGEANT

When a deputy sheriff is promoted to the rank of sergeant, the Department will make an effort to assign that sergeant to the Patrol Division for the duration of the resulting one year probationary period. Though this is the preferred length of time for that initial duty assignment, the needs of the Department may reduce the length of time the newly promoted sergeant actually serves in the Patrol Division. Generally, upon completion of the first rotation in the Patrol Division, a newly promoted sergeant will be assigned to the Detention Services Bureau. The prior dates of service within the Patrol Division will be recorded on the Sergeants Rotation List.

1013.4.2 ASSIGNMENT TO THE DETENTION SERVICES BUREAU

A sergeant assigned to his/her first tour of duty in the Detention Services Bureau shall become eligible for transfer or selection to a specialty unit only after completing 24 months of uninterrupted service to that Bureau. Any subsequent request for transfer will be submitted to the Detention Services Bureau Commander who will examine the sergeant’s personnel file to confirm that he/she is meeting established standards of performance and has not suffered any extended absence from duty during his/her assignment to that Bureau.

It is important for the supervisor's development to meet the 24 month service requirement in the Detention Services Bureau before being considered for assignment to another organizational work unit. Generally, the maximum time a sergeant will be assigned to the Detention Services Bureau during his/her initial rotation is 48 months, although transfers may occur slightly before or after that period ends to accommodate specific work unit rotational schedules. Upon completion of a sergeant’s first assignment to the Detention Services Bureau, the date of his/her transfer will be recorded on the Sergeants Rotation List.

When a supervisory vacancy within the Detention Services Bureau occurs that cannot be filled by assigning a newly promoted sergeant or by a sergeant who indicates a willingness to voluntarily return to that Bureau, the sergeant who has experienced the longest absence from the Detention Services Bureau will be selected to return. When a sergeant who would otherwise qualify for a second, and all subsequent tours, within the Detention Services Bureau is assigned to a specialty work unit, or other area requiring specific training and/or expertise, the Undersheriff shall have the discretion to bypass that sergeant and instead select the next most senior sergeant on the Sergeants Rotation List for transfer.

The bypassed sergeant shall maintain his/her position on the Sergeants Rotation List and will be eligible for assignment within the Detention Services Bureau once the Sergeant’s tour within the specialty unit has concluded and there is a need to use the Sergeants Rotation List to fill a vacancy within the Detention Services Bureau. Sergeants who have not completed their second tour within the Detention Services Bureau will take priority for transfer back to the Bureau before another sergeant is transferred back to the Bureau to complete their third tour. However, if a sergeant volunteers to transfer for their third tour within the Detention Services Bureau, this transfer will be honored and delay the automatic transfer of the senior most sergeant on the Sergeants Rotation List. The bypassed sergeant shall maintain his/her position on the Sergeants Rotation List and will be eligible for assignment within the Detention Services Bureau until another vacancy is created.

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A sergeant assigned to a second, and all subsequent tours, within the Detention Services Bureau may submit a request for transfer after 18 months of uninterrupted assignment to that Bureau. For the transfer to be considered, the sergeant must have demonstrated the ability to meet standards in all established performance areas, as described by their most recent annual performance evaluation.

1013.4.3 REQUEST FOR CHANGE OF ASSIGNMENT PROCEDURES - SERGEANT
Any request for transfer from the Detention Services Bureau shall be submitted in a written memo, via the chain of command, to the Detention Services Bureau Commander. The request for transfer memo must be done on department letter head, or in the manner directed by the specific transfer opportunity notice. The request for transfer memo should contain the following information:

- Name and identification number
- Rank and date of rank
- Present duty assignment
- Length of time in present duty assignment
- Requested new assignment

Some department transfer opportunities may have specific application forms that should be completed and submitted.

The Detention Services Bureau Commander shall approve or disapprove of the request and forward it to the Bureau Commander of the work unit the sergeant is requesting transfer to, who will also approve or disapprove the transfer request. The transfer request will then be forwarded to the Undersheriff for his/her review and submission to the Sheriff for final action.

Unsuccessful transfer requests shall not be resubmitted in less than six month intervals.

1013.4.4 SERGEANT RESPONSIBILITIES
A sergeant who has been transferred to a new organizational unit shall contact the Commanding Officer of the Division or Unit to which he/she has been newly assigned for the purpose of determining his/her duty assignment, and the time he/she is to report to that new assignment.

The sergeant shall also contact the Commanding Officer of the Division or Unit to which he/she was formerly assigned for the purpose of turning in equipment, as necessary, and to receive any special instructions regarding the transfer.

1013.5 MEMBERS ABOVE THE RANK OF SERGEANT

All members above the rank of sergeant are excluded from this policy and are assigned at the discretion of the Sheriff.

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Commendations and Awards

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Marin County Sheriff's Office and individuals from the community.

1014.1.1 DEFINITIONS

Definitions related to this policy include:

Medal of Valor - The Medal of Valor is the department's highest award and may be awarded to members who, while serving in an official capacity, distinguish themselves by conspicuous bravery or heroism above and beyond the normal demands of law enforcement service.

Blue Star Medal - This medal shall be awarded to a member who incurs a serious injury while engaged in an official police duty involving the safety of persons and property.

Life Saving Medal - The Life Saving Medal shall be awarded to those members and professional staff who distinguish themselves by saving another human being from imminent death or serious bodily injury.

Medal of Merit - The Medal of Merit shall be awarded to those members who distinguish themselves by performing in stressful situations with exceptional tactics and/or judgment. This medal may be awarded to members who distinguish themselves by bravery or heroism above and beyond the normal demands of duty, but to a lesser degree than required for the Medal of Valor.

Medal of Commendation - The Medal of Commendation shall be awarded to those members and professional staff who, in the best interests of the Department, and serving in an official capacity, distinguish themselves by performing exceptional service that required unusual thoroughness, conscientiousness, determination and initiative. The exceptional service refers to the performance of duty that is clearly above that normally expected.

Certificate of Commendation - The Certificate of Commendation shall be awarded to members, professional staff and private citizens who exemplify an extraordinary quality of service.

Certificate of Appreciation - The Certificate of Appreciation shall be awarded to members, professional staff and private citizens who exemplify quality service above and beyond expectations as recognized by a member, professional staff person or citizen.

Letter of Commendation - A Letter of Commendation from the Sheriff may be awarded to private citizens, members and professional staff who perform acts or services deserving of department recognition.

Letter of Appreciation - A Letter of Appreciation from the Sheriff may be awarded to private citizens, members and professional staff for appropriate reasons.

Unit Citation - The Unit Citation may be awarded to an entire Sheriff’s Office work group when the members of that work group collectively perform acts or services deserving of department

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recognition. Recognition using the Unit Citation may include any level of Department Award up to and including the Medal of Commendation.

1014.1.2 PROCEDURES
There are no procedures associated with this policy.

1014.2 POLICY

It is the policy of the Sheriff to recognize members, professional staff and private citizens for actions of heroism, meritorious service, and for actions above and beyond the call of duty for services rendered to law enforcement and the community.

1014.3 DUTY TO REPORT

It shall be the duty of every member and professional staff person to report and document all acts worthy of commendation. The documentation shall be forwarded to the affected Bureau Commander as soon as practical, not more than 20 days after the incident.

1014.4 NOMINATION PROCEDURE

Nomination for the award of medal, certificate, or letter to a member, professional staff person or private citizen shall be made by any member or professional staff whenever they have knowledge that an act or service has been performed that is deserving of such recognition. The nominating member shall complete the Marin County Sheriff's Office inter-departmental memo to the Bureau Commander. The Bureau Commander shall review the memo for completeness and accuracy along with all appropriate supporting documentation including written reports. The Bureau Commander shall forward the documentation to the Undersheriff for review.

The memo shall contain the following information:

- All the people involved in the actions(s)
- The date, time and a complete description of the incident.
- Any reports or supporting documentation of the incident.

This material shall be submitted to the Bureau Commander within 20 days of the incident.

When a manager or supervisor learns of the actions, which would qualify an employee or member for a Departmental award the manager or supervisor shall nominate that person by submitting an inter-departmental memo to the employee's Bureau Commander.

Any member or professional staff person of the Department who believes they are entitled to recognition for an act done in performance of their duties or as a result of distinction to the

Department, and where no recommendation has been submitted for consideration of commendation, should submit the following to their Bureau Commander via the chain of command:

- A memo indicating the date, time and a complete description of the incident
- Any reports or supporting documentation of the incident

This material shall be submitted to the Undersheriff within 20 days of the incident.

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The Undersheriff shall maintain a file on the Valor and Service Award Nominations and accompanying documentation. The Undersheriff shall arrange for a meeting of the Awards' Evaluation Committee each year, although more frequent meetings of the Committee may be arranged based on the number and/or type of nominations received.

The Bureau Commandershall send an email or letter to the nominee advising them that a request for an award has been received for a review by the Awards Evaluation Committee. This letter should be sent out within 30 days of receipt of the nomination.

1014.5 AWARDS COMMITTEE

Each year in February, or more frequently based on the nature of the circumstances, the Undersheriff will appoint the Awards Evaluation Committee. Any employee or member may indicate their desire to serve on this Committee to the Undersheriff. The Committee shall consist of seven members.

The Undersheriff shall be designated as Chairperson and serve as a facilitator only. Additionally, in case of a tie, the Undersheriff shall cast the tie-breaking vote. The Balance of the committee shall consist of:

(a) One Field Services Sergeant

(b) One Field Services Deputy Sheriff

(c) One Detention Services Sergeant

(d) One Detention Services Deputy Sheriff

(e) One Communication Dispatcher or Communications Supervisor

(f) Two Professional Staff Members or Professional Staff Supervisor

The Awards Evaluation Committee shall review nominations annually and shall have the responsibility to assign an award, commendation or letter classification to each nomination being considered, or in the alternative, determine that an award is not applicable. The Board will make their recommendations to the Sheriff on each nomination.

The Undersheriff shall prepare a letter for each nominee for the Sheriff's signature. The Undersheriff shall state the nature and the final disposition of the nomination. Copies of the nomination process shall be placed in the member's or professional staff's personnel file.

1014.6 PRESENTATION OF AWARDS

The presentation of all awards should be held during a Sheriff's Office function deemed appropriate by the Sheriff.

The Professional Standards unit shall be responsible for notification of the employee(s) receiving awards by mail or in person ten (10) days prior to the ceremony. Efforts shall be made to invite the person(s) who made the nomination and any other people who are appropriate to the award presentation ceremony. The Professional Standards Unit shall make arrangements to have the awards properly produced (e.g. framed or created in the standard approved by the Sheriff)..

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The Sheriff retains final approval of all ceremony arrangements.

1014.7 MULTIPLE AWARDS

No limit shall be placed on the number of medals, certificates or letters an individual may be awarded.

Only one kind of award shall be made for the same act, achievement, or period of service, except for the Blue Star Medal, which may be awarded by itself or together with another medal or certificate.

Once a medal has been presented to a member or professional staff, oak leaf clusters shall be presented in lieu of additional awards of the same medal.

1014.8 CERTIFICATES AND/OR LETTERS OF COMMENDATION AWARDED TO PRIVATE CITIZENS

Whenever the Sheriff approves a recommendation to award a Certificate and/or Letter of Commendation or Appreciation to a private citizen, the Office of the Sheriff shall return the recommendation to Professional Standards Unit with any instructions the Sheriff may issue regarding the presentation of the award.

The Professional Standards Unit shall make arrangements for the Sheriff or the Sheriff's designated representative to present the certificate to the nominated private citizen.

1014.9 POSTHUMOUS AWARDS

The appropriate next of kin shall be entitled to receive a service award earned by a deceased member or professional staff.

1014.10 MAINTAINING RECORD FILE

It shall be the duty of the Professional Standards Unit to maintain a record file of all Medals, Certificates and Letters awarded to private citizens, members, and professional staff of this Department.

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Fitness for Duty

1015.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1015.1.1 PROCEDURES

There are no procedures associated with this policy.

1015.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Watch Commander or employee’s available Bureau Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

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1015.4 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.

1015.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Bureau Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/ grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/ or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

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examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1015.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one day (24 hour) period or
- Members may work 18 hours in one day (24 hour) period if that day is the last day of their work week

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.

1015.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

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Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

Members' breaks shall be administered in accordance with each member's respective bargaining unit and the associated memorandum of understanding (MOU)

1016.1.2 PROCEDURES

There are no procedures associated with this policy.

1016.2 MEAL PERIODS

Members' meal breaks shall be administered in accordance with each member's respective bargaining unit and the associated memorandum of understanding (MOU)

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.

1016.3 15 MINUTE BREAKS

Members' 15 minute breaks shall be administered in accordance with each member's respective bargaining unit and the associated memorandum of understanding (MOU)

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee’s shift unless approved by a supervisor.

1016.4 UNIFORMED ASSIGNMENT

Deputies working in a uniformed assignment (i.e., Patrol Division, Marin County Jail, Court Floor, etc.) shall remain on duty, shall monitor their radio, and are subject to call during any breaks.

Deputies working in the Patrol Division shall notify the Communications Center any time a break is taken away from the deputy's patrol vehicle.

Members may suspend their police duty for a lunch period to be taken within their beats or assigned duty areas, subject to modification by the watch supervisor. Meals shall be eaten with reasonable dispatch and in public view when in a public establishment. Uniformed members are subject to recall at any time if it reasonable and necessary to protect the public safety and/or reasonable and necessary to effectively carry out the Sheriff’s Mission.

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Lactation Breaks

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

1017.1.1 PROCEDURES

There are no procedures associated with this policy.

1017.2 POLICY

It is the policy of the Marin County Sheriff's Office to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; 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.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Department 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 proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; 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

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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.

1017.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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 department members who are eligible for the payment of wages.

1018.1.1 PROCEDURES

There are no procedures associated with this policy.

1018.2 POLICY

The Marin 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 to Administration as established by the County payroll procedures.

1018.5 RECORDS

The Administration Bureau 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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Overtime Compensation Requests

1019.1 PURPOSE AND SCOPE

It is the policy of the Marin County Sheriff's Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Marin County Sheriff's Office Overtime Slip as soon as practical after overtime is worked, with limited exceptions.

Overtime may be authorized when necessary to have sufficient personnel on-duty to fulfill the mission and responsibilities of the Department or to address a specific need. It is the policy of the Department to manage the use and amount of overtime that employees can work during specified time periods. The need for overtime work must be approved, in advance, by a supervisor, unless in response to a court subpoena. In order to assure payment and avoid delay in processing by Fiscal Services, all overtime reimbursement requests will be completed in accordance with this order.

Supervisors are authorized to order personnel to work beyond their normal duty hours, or if they are off duty, to report for duty during their off-duty hours, when they believe conditions exist that require such measures. Those personnel ordered to work shall do so unless excused by the ordering supervisor for good cause.

1019.1.1 DEFINITIONS

Overtime - Overtime may be defined differently for different work groups. For the purposes of this order, the definition of overtime shall be the same as that described in a respective employee’s collective bargaining agreement.

1019.1.2 PROCEDURES

There are no procedures associated with this policy.

1019.1.3 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment; however, the employee may not accrue more than 84 hours of compensatory time per calendar year.

1019.1.4 MAXIMUM OVERTIME HOURS

No member or employee shall work more than 48 hours of overtime in any given bi-weekly pay period without the prior written authorization of a Bureau Commander or the authorized designee.

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A Sheriff's Lieutenant/Professional Staff Manager, or the Watch Commander during non-business hours, may authorize an exception to the 48 hour overtime cap in a given pay period if he/she determines that conditions necessitate such an exception and other options for filling the required overtime hours have been exhausted. In such a case, the manager responsible for approving the employee's time sheet will be notified by the Manager/Commander approving the employee working in excess of the 48 hour limit. The notification will advise of that authorization and set forth the circumstances necessitating the exception to that rule.

No member or employee shall work more than 16 consecutive hours in a single 24 hour period, including work performed during approved outside employment, and no member or employee shall report for duty with less than eight consecutive hours of off-duty time before or after his/her regular or overtime shift, unless required to by circumstances as determined by a Lieutenant/Professional Staff Manager or higher authority.

Not withstanding the above restrictions, personnel assigned to 12 hour shifts may work up to 18 consecutive hours, including approved outside employment providing:

- They are scheduled for, and do in fact realize, a full regular day off (RDO) immediately following the 18 hour shift worked, or
- They utilize a bunk room in the Custody Division or at the Emergency Operations Facility and receive a minimum of six consecutive hours of rest before their next assigned shift.

1019.1.5 OVERTIME DURING LEAVE

Unless there are exigent circumstances, as determined by the Sheriff and/or his/her designee, or in order to comply with an official court order or subpoena, no employee is eligible to work an overtime shift if he or she is currently off work on either approved paid or unpaid leave, which includes, but is not limited to vacation, sick or administrative leave.

1019.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

1019.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete an overtime slip immediately after working the overtime and turn the slip in to their immediate supervisor, unless the employee is scheduled to work overtime after timesheets and overtime slips are due for bi-weekly payroll processing. In those instances, employees shall complete their overtime slips prior to the overtime worked and submit them to their immediate supervisor.

Employees submitting overtime slips for on-call pay when off duty shall submit their overtime slips to their immediate supervisor on their first day after returning for work.

It is the individual employee's duty to track his/her work hours and to inform his/her supervisor when the aforementioned time limitations have been, or will be, reached.

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1019.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's timesheet, the overtime slip will be reviewed by the Watch Commander or Division Commander when timesheets are approved.

1019.2.3 DIVISION COMMANDER'S RESPONSIBILITY

The Watch Commander or Division Commander, after approving payment, will then forward the overtime slip to Fiscal Services for processing.

1019.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status on the overtime slip. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., court cancellations, four-hour minimums). In those instances, the employee shall record the actual time worked on their overtime slip with a notation referencing the minimum number of hours that are to be paid.

1019.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

Accounting for less than one hour of work shall be done in accordance with an employee's specific collective bargaining agreement.

1019.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

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Outside Employment

1020.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department 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.

1020.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1020.1.2 PROCEDURES

There are no procedures associated with this policy.

1020.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete a County of Marin Supplemental Employment Form (PMR 20) which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff and the Human Resources Department Head for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved, when said employment is terminated prior to the expiration, or the Sheriff revokes permission. Permits shall be renewed on an annual basis by submitting a new Supplemental Employment form.

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)).

Employees who engage in outside employment must recognize that their primary obligation is to the Marin County Sheriff's Office and the County of Marin. Employees are subject to call at

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any time for emergencies, special assignments or overtime duty, secondary employment may not infringe on this obligation.

1020.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee's Supplemental Employment form is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the County of Marin Grievance Procedure (PMR 24).

1020.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1020.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Supplemental Employment form submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

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(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department less efficient.

(e) Employment in Marin County is prohibited during any period when the outside employer is experiencing strike-related activity, including strikes, lockouts, picketing or other physical demonstrations of a labor dispute. If the Department loans an employee to another jurisdiction, the employee is prohibited from working for any outside employer in that jurisdiction who is experiencing labor disputes.

1020.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Sheriff in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The deputy(s) shall wear the department uniform/identification.
2. The deputy(s) shall be subject to the rules and regulations of this department.
3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1020.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner

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pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

Members who are involved in an incident requiring them to perform Sheriff's services during supplemental employment are not entitled to overtime, paid or compensatory, from the department if their secondary employer pays them during the time involved in handling such incidents.When an employee performs a Sheriff's service while engaged in outside employment, they shall, as soon as possible, notify the Watch Commander.

1020.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

For outside employment of a permanent or indefinite duration, hours worked will not exceed four on any County/Sheriff's Office workday, eight within a County five-day work week, or 16 within any seven day period, provided one full day of rest is set aside in said seven day week.. For temporary or seasonal outside employment extending over not more than 31 calendar days, hours not to exceed 20 per week.

1020.4 DEPARTMENT RESOURCES
Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment, absent prior approval from the Sheriff or his/her designee. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1020.4.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1020.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriffvia the Professional Standards Unit. Any subsequent request for renewal or continued outside

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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.

1020.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall immediately inform the Professional Standards Lieutenant in writing. At such time the member's outside employment shall be terminated pending their return to full duty.

Upon suspension and/or cancellation of the outside employment, notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

1020.7 LIABILITY

The County does not provide civil liability protection for acts or omissions of off-duty employees during their hours of employment with an outside employer.The County is not liable for any legal actions, property damage, bodily harm, costs or other matters that arise from an employee’s outside employment. Outside employment prevents a member from exercising peace officer status during their hours of employment with an outside employer.

During the hours of employment with an outside employer, members shall not invoke peace officer status and shall act solely in a civilian, private citizen capacity.

The outside employer is solely responsible for providing worker’s compensation benefits or similar insurance benefits in the event the employee is injured, disabled or killed during the hours of outside employment. County workers compensation will be denied pursuant to Government Code § 50922 and Labor Code § 3600.2.

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Occupational Disease and Work-Related Injury Reporting

1021.1 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.

1021.1.1 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.).

1021.1.2 PROCEDURES

Procedures Manual: 1022.1 OCCUPATIONAL DISEASE AND WORK-RELATED INJURY REPORTING - PROCEDURES - Click to view procedures

1021.2 POLICY

The Marin 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.).

1021.3 RESPONSIBILITIES

1021.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1021.3.2 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. Refer to the Procedures section of this policy for information on the forms that must be completed pursuant to this policy.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1021.3.3 BUREAU COMMANDER RESPONSIBILITIES

The Bureau Commander or the authorized designee 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 Administrative Lieutenant in

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the Professional Standards Unit. The Administrative Lieutenant will be responsible for sending the report to the County's risk management entity, and the Administration Bureau 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.

1021.3.4 SHERIFF RESPONSIBILITIES

The Sheriff or the authorized designee shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1021.4 SERVICE CONNECTED DISABILITIES

Service connected disabilities for sworn members such as heart attack, tuberculosis, hernia, pneumonia, cancer, etc. are presumed compensable consequences of employment. These conditions, whether occurring on- or off-duty, will be reported as occupational injuries.

1021.5 INJURIES RECEIVED DUE TO ASSAULTS

Whenever an on-duty member receives injuries because of an assault by a citizen, the injured member must immediately request that his/her supervisor respond to the scene. When a member is so seriously injured that he/she cannot do so, the notification shall be made by any other member at the scene.

The notified supervisor shall insure that photographs are taken of the injured member. They shall be taken as soon as practicable after the member's medical condition has been stabilized. The photographs with a supplemental crime report will be forwarded to the Documentary Services Division with a request for copies to be sent to the Investigations Division for follow-up.

1021.6 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1021.6.1 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

1022.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1022.1.1 PROCEDURES

There are no procedures associated with this policy.

1022.2 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 an exception.

1022.2.1 HAIR

While on duty, members shall keep their hair neat, clean, and well groomed. Use of hair dyes shall be limited to dyes of a single natural color that do not detract from a professional appearance or bring discredit to the Department. Hair highlights and/or lowlights are acceptable as long as they too are of a natural color and do not detract from a professional appearance or bring discredit to the Department.

Male personnel assigned to uniformed duty shall not allow their hair to extend below the top of the shirt collar. Sideburns shall not extend below the midpoint of the ear, unless connected to a beard.

Female personnel assigned to uniformed duty shall wear their hair in such a way that it does not extend below the top of the shoulder. While in uniform, no decorations shall be worn in the hair. Hair clips, barrettes, bands, or pins that closely resemble the color of the hair or uniform may be worn.

1022.2.2 MUSTACHES

A neatly trimmed mustache may be worn. Mustaches shall not extend below the upper lip or the corners of the mouth and may not extend to the side more than ¼ inch beyond the corners of the mouth.

1022.2.3 SIDEBURNS

Sideburns shall not extend beyond a point even with the midpoint of the ear. The terminal point of the sideburns shall not exceed the width of the main portion of the sideburn. Sideburns shall not exceed 1 inch in width.

1022.2.4 FACIAL HAIR

Facial hair, other than sideburns, mustaches and eyebrows, may be worn in the following manner;

(a) Beards

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(b) Goatees

Facial hair must have a natural human color in appearance and be neatly trimmed with no exotic patterns or designs. No portion of the beard or goatee shall be exceptionally longer than the rest and hair length shall not exceed three eighths (3/8) of an inch. The neck and the area above the cheek bones must remain cleanly shaven and the perimeter lines of the beard and goatee must be neatly trimmed and defined. Beards and goatees shall not extend further than 1 inch below the jawline where the neck naturally begins. Goatees must be contiguous with mustaches. If only a mustache is worn, the requirements remain as defined in 1022.2.3.

The following styles of beards, goatees, mustaches and sideburns are prohibited:

- Chin Curtain – A full beard without a mustache or neck hair
- Chin Strap – Sideburns which are connected to each other by a narrow line of hair along the jaw, resembling a helmet strap without a mustache
- Mutton Chops – Exceptional growth of sideburns which grow larger towards the chin.
- Friendly Mutton Chops – Mutton Chops that are connected by a mustache
- Neck Beard
- Soul Patch – Facial hair in the area just below the lip, not including the chin
- Toothbrush Mustache – AKA the Charlie Chaplin
- Van Dyke Beard – A goatee in which the chin hair is disconnected from the mustache and the two patches are shaped and styled independently

Sworn personnel must ensure during their assigned duties and/or training that any facial hair does not interfere with the proper use of or fitting of any departmental safety equipment (gas mask, N95 mask, etc.) or otherwise create an officer safety issue. All members with facial hair must ensure they have appropriate items on hand and readily available if required to remove facial hair at any time as necessary to use any required safety equipment properly.

The wearing and appropriateness of facial hair as defined by this policy shall remain at the sole discretion of the Sheriff or designee. This policy may be rescinded or modified at any time by the Sheriff.

Members assigned to undercover operations are exempt from this section, as long as their deviation from this standard is done in furtherance of their particular work assignment and is approved by their commanding officer.

Employees assigned to non-uniformed, non-sworn duties shall wear their hair, beard, and/or mustache in a manner that does not detract from their professional appearance, or that is offensive, distasteful, in conflict with prevailing community standards, or is likely to bring discredit to the Department.

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1022.3 TATTOOS

While on duty or representing the Department in any official capacity, any tattoo or body art that is offensive, demeaning, or prejudicial to good order shall not 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.

Tattoos on any part of the hands, neck, face, head, eyelids, mouth, and ears are prohibited with the following exceptions:

(a) Tattoo of one wedding band on a ring finger.

(b) Permanent facial make-up on the eyebrows, eyeliner, and lips of a conservative nature.

The appropriateness of tattoos as defined by this policy shall remain at the sole discretion of the Sheriff or designee.

1022.3.1 PROHIBITED TATTOOS

The following tattoos, body art, and brands are prejudicial to good order and are prohibited for all employees, regardless of visibility:

(a) Extremist

(b) Supremacist

(c) Sexist

(d) Racist

(e) Depictions of discrimination of any type

(f) Gang-related

(g) Drug use

(h) Nudity

(i) Sexually explicit acts

(j) Indecent or obscene language or material

Any tattoo, body art or brand that implies a negative bias toward any group will cause the employee to be subject to disciplinary action.

1022.3.2 CONCEALED TATTOOS

The following tattoos, body art, and brands must be concealed in accordance with this policy:

(a) Symbols or markings likely to elicit a strong negative reaction in the workplace or public or that are inconsistent with the department's values or community relations objectives, including but not limited to symbols or markings that promote or are associated with excessive violence.

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(b) Anything contrary to the purpose of law enforcement, including, but not limited to, depictions symbolizing or indicative of Illegal narcotics, illegal or gang-related activity, or symbols suggestive of activity that undermines the purpose of law enforcement.

(c) Illustrations, references, symbols, acronyms, or the like that denigrate the United States, the State of California, or the Marin County Sheriff's Office.

(d) Symbols or markings that represent political beliefs, political parties, political slogans, or that cast any political group in a negative light.

The Sheriff reserves the right to require employees to conceal their tattoos, body art or brands if deemed necessary to comport with evolving community standards, attitudes, or beliefs. This policy and its exceptions do not grant permanent approval to display any tattoos, body art or brands subsequently deemed unacceptable for display and employees may be required to cover them at any time.

In order to conceal any tattoo, body art, or brands, employees shall wear long-sleeved uniform shirts and pants. Employees will be allowed to wear short-sleeved uniform shirts with compression sleeves underneath in either black or skin tone. No logos or labels should be visible.

1022.3.3 AUTHORIZATION FOR VISIBLE TATTOOS/BODY ART

Prospective employees:

(a) Employment packages will include the information on all tattoos/body art of the applicant to ensure the applicant does not have any tattoos/body art that is prohibited by this policy.

(b) The Sheriff or designee will make the final determination as to whether an applicant's tattoos/body art comply with this policy.

(c) Tattoos that must be concealed under this policy must be kept entirely from view by the authorized uniform or plainclothes when an employee represents the department.

(d) If when considering a new tattoo, an employee is in doubt about the tattoo/body art being in compliance with this policy, the employee should submit the design to the Sheriff or designee for approval.

Any tattoo/body art that is believed to not conform to this policy should be brought to the attention of a supervisor. The supervisor will notify the Division Lieutenant or Division Manager. The appropriateness of tattoos, brands and body art shall be determined at the sole discretion of the Sheriff or designee who shall have final approval authority on all tattoos, brands and body art visible while on duty.

1022.4 BODY PIERCING OR ALTERATION

Visible body piercing jewelry, including the jewelry worn in the piercing of an ear, is not authorized at any time by any uniformed member or employee engaged in department related activity. Members assigned to undercover positions may display visible body piercing jewelry at the discretion of their work unit commander, providing the piercing is appropriate to the assignment or mission of the undercover member.

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Members who are assigned to non-uniformed non-sworn positions may display body piercing jewelry that is limited to the earlobe, provided the piercing does not interfere with the reasonable and orderly function of the work unit, is consistent with approved work safety standards, and is not of a design that detracts from a professional appearance, is offensive, distasteful, in conflict with prevailing community standards, or likely to bring discredit to the Department.

1022.4.1 JEWELRY AND ACCESSORIES

Visible jewelry worn by uniformed members shall be limited to no more than two rings and one watch, providing those items are not of a design that detracts from a professional appearance or are offensive, distasteful, in conflict with prevailing community standards, or likely to bring discredit to the Department. For the purposes of this policy, a wedding/engagement ring set is considered to be one ring.

In addition to the above jewelry restrictions, members assigned to a non-uniformed position may wear necklace(s), bracelet(s), and/or earrings(s) at the discretion of the member or member's work unit commander, provided the additional jewelry does not interfere with the reasonable and orderly function of the work unit, is consistent with approved work safety standards, and is not of a design that detracts from a professional appearance, is offensive, distasteful, in conflict with prevailing community standards, or likely to bring discredit to the Department.

The commander of any work unit may, at their discretion, place a restriction on the number of otherwise approved jewelry items worn by a member assigned to a non-uniformed position when that unit commander feels the jewelry worn detracts from a professional appearance.

1022.5 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 or the authorized designee 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.

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Uniform Regulations

1023.1 PURPOSE AND SCOPE

The uniform policy of the Marin County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of department uniforms.

The Sheriff shall be the final authority on matters pertaining to official uniforms, equipment and identification items.

1023.1.1 PROCEDURES AND ATTACHMENTS

See attachment: MCSO Uniform and Insignia Guidelines.pdf

1023.2 UNIFORMS

1023.2.1 POSSESSION OF UNIFORMS

All members shall possess and have at all times available a serviceable uniform when reporting for duty, and the necessary equipment and identification to perform uniformed field duty. Those assigned to duty requiring special apparel or equipment shall also possess such apparel and equipment.

Deputies are required to maintain three levels of uniforms:

- Dress Uniform - (Class A)
- Standard Uniform - (Class B)
- Utility Uniform - (Class C)

Optional/special assignment Uniforms:

- Specialty Uniforms - (Class D)

Professional staff assigned full time in uniformed positions shall possess, at all times, a serviceable uniform and the necessary equipment and identification to perform their assigned duties.

All uniform and equipment items referred to in this policy shall meet the official specifications outlined in the department’s Uniform and Personal Equipment Specifications maintained by the Professional Standards Unit.

Uniforms shall be kept neat, clean and well pressed at all times. While wearing the uniform, all uniformed staff shall maintain a military bearing avoiding mannerisms such as slouching, shuffling or hands in the pockets.

1023.2.2 WEARING OF UNIFORM

Members and professional staff, unless otherwise exempted, shall wear the uniform, equipment and identification items prescribed for their rank and assignments during their tour of duty.

The following personnel are exempted from wearing the prescribed uniforms:

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- Sheriff
- Undersheriff
- Captains
- Personnel assigned to the Investigations Division
- Deputies detailed to undercover duty wherein it is mandatory that their identity as deputy sheriffs be concealed and where their Division Commander has granted prior written exemption.
- Employees whose assignment does not require the wearing of a uniform

1023.2.3 MANNER OF WEARING

Official uniforms shall be worn in a military manner.

Uniform buttons shall be secured at all times unless otherwise directed.

Uniforms shall be kept neat, clean and well pressed at all times. With the exception of the pen/ pencil and the badge case, nothing shall be carried in the pocket of any uniform that might produce an obvious bulge or protrusion.

Hats or helmets, when worn, shall be worn squarely upon the head. The helmet chinstrap shall be fastened. The uniform regulations do not require the wearing of the headgear as an absolutely necessary part of the deputy uniform. Uniformed personnel are not required to wear headgear on routine public appearances or assignments such as court, in service training, patrol duty or other similar assignments. Hats and helmets shall always be available at the place of the member’s duty assignment.

1023.2.4 WEARING OF DRESS UNIFORM ON FORMAL OCCASIONS

Unless otherwise directed, the Dress Uniform, including hat or helmet, shall be worn by uniformed personnel officially representing the Department on formal occasions, etc.

Formal occasions include, but are not limited to the following:

- Building or Station dedications
- Department Graduations
- Parade Duty
- Parade Participation
- Ceremonial functions
- Flag Day
- Memorial Day
- Veterans’ Day
- Funerals

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Exceptions: Deputies may be excused from wearing certain items of uniform and equipment by the officer-in-charge of a detail when the removal of those items may protect the deputy from possible injury.

1023.2.5 MIXED CLOTHING
Uniformed personnel shall wear the full uniform specified for their particular rank or assignment and not part of any other. Civilian clothing shall not be worn with any distinguishable part of the uniform when in public view.

Exception: When wearing the approved Raid Jacket.

1023.3 UNIFORM AND EQUIPMENT MAINTENANCE

All uniforms and equipment shall be maintained in a clean, serviceable condition and shall be ready at all times for immediate use. They shall be replaced when they are so worn or damaged as to present an unacceptable appearance or fail to meet current specifications.

1023.3.1 LEATHER EQUIPMENT MAINTENANCE
Leather equipment shall be kept dyed and shined, and shall be replaced when it is cracked or worn out.

1023.4 OFFICIAL INSPECTIONS

Department Inspections - The Department, or any part of it, may expect an inspection by the Sheriff or the authorized designee at any time.

Periodic Inspections - Bureau Commanders shall make periodic inspections to determine that uniforms and equipment are maintained in conformance with department requirements.

Division Inspections - Division Commanders shall cause detailed, individual inspections to be made of the uniforms and personal equipment of all members assigned to their command. These inspections shall be made at intervals not to exceed every six months.

Inspection Reports - Inspection personnel shall report violations of this policy through channels to the Bureau Commander to which the concerned employee is assigned.

Watch Inspections - Watch Commanders and/or Watch Supervisors shall conduct daily inspections of the watch to ensure that the prescribed uniforms and equipment are in clean, serviceable condition and that they are worn in the proper manner. Inspections may be formal or informal in nature.

Unsatisfactory uniform conditions shall be called to the attention of the concerned employee for the purpose of correction. Commanding Officers shall require that unsatisfactory conditions be corrected and, when necessary, shall institute such proceedings that are required to ensure conformance with this policy.

1023.5 DUTY UNIFORMS

The sections that follow contain a listing of the allowable items that constitute authorized uniforms and civilian attire. All members are reminded that a professional appearance is required while

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on-duty, whether wearing a uniform or civilian attire. All members shall dress in a manner that conveys a business-like and professional image.

See the attached Uniform and Insignia Guide for photographic examples of the following uniforms.

1023.5.1 CIVILIAN ATTIRE - ALL ASSIGNMENTS

Consistent with the Mission of the Department, and in accordance with Marin County Personnel Management Regulation 20.1, Business Casual is the standard of dress that shall be worn by all members not working in a uniformed or undercover/plain clothes assignment.

This dress standard applies anytime a member is engaged in a department activity, including when at his/her regular duty assignment or when attending an on- or off-site training course.

Business Casual attire includes, but is not limited to:

- Wool, cotton, khaki, polyester blend "Docker" style slacks, or other similar business casual pant that is free of rips, tears, or distressed fabrics. Shorts are not acceptable attire.
- Men's collared polo or button down shirt. T-shirts are not acceptable attire.
- Women's blouses, sweaters, turtlenecks, or cotton knit shirts of a length sufficient to cover the midriff. Men's t-shirts are not acceptable attire.
- Women's dresses or skirts of a conservative length, generally no shorter than 2" above the knee.
- Corresponding and appropriate footwear.

Athletic and/or active wear items of apparel, including hooded sweatshirts are not acceptable attire.

Exemptions from this dress standard may be made by supervisory staff for the purposes of completing specific, short term job assignments that are not suitable for Business Casual attire.

1023.5.2 DEPARTMENT POLO SHIRT

A standard polo style uniform shirt may be worn by members if appropriate to their assignment and approved by a Commanding Officer.

All standard polo style uniform shirts shall be green in color, regardless of the assignment or task of the employee wearing the shirt. The polo style uniform shirt that is tan in color may only be worn to training. The shirt will display the department’s authorized star in the area of the left breast pocket. The member’s first initial and last name shall be centered in the area of the right breast pocket and consist of black embroidered block letters that are ½ inch in height.

Members assigned to the below listed specialty units may be issued a variation of the standard polo style uniform shirt for wear only while actually engaged in the duties of that specialty work unit. The only variation allowed from the design of the standard polo style shirt is the color of the material used. All other design standards shall be adhered to.

- Investigations Division: Green

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- Hostage Negotiation Team: Black
- Dive Team: Navy blue
- Rangemasters: Red
- sUAS Team: Grey
- Marine Patrol: Tan
- Professional Standards Unit: Green.

Polo shirts worn by professional staff members shall not have the words “Deputy Sheriff” contained in the star.

To assure uniformity of design, approved polo style uniform shirts, regardless of color, will be made available by the Department for purchase by its members and employees. No other polo style uniform shirts are authorized for wear, except by those deputies assigned to Marine Patrol duties. No other additions to the department approved polo style uniform shirt are approved.

1023.5.3 DRESS UNIFORM (CLASS A DRESS)

The Dress Uniform shall consist of the following items of apparel, identification and equipment:

- Belt-Trousers
- Dress Eisenhower Jacket
  - American Flag Pin
  - Badge
  - Name Plate
  - Rank Insignia
  - Shoulder Patches
  - Service Stars
  - Sleeve Braid
  - Department Commendation/Shooting Medals (Only to be worn with Class A uniform)
  - Authorized Insignia (optional)
- Gloves (by direction)
- Gun Belt and Keepers
  - Holster
  - Service Pistol
- Hat
- Identification Card
- Shirt – Long Sleeve Elbeco Classic Duty Maxx

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- American Flag Patch
- Rank Insignia
- Shoulder Patches
- Service Stars

- Shoes – black
- Socks – Black
- T-shirt – White crewneck
- Tie and Brass Tie Holder
- Trousers

1023.5.4 STANDARD UNIFORM (CLASS B)

The standard uniform shall be worn whenever performing uniformed duty and shall consist of the following items:

- Belt-Trousers
- Identification Card
- Shirt (long or short sleeve) - Flying Cross FX Class B Style Duty Shirt
  - Cloth MCSO Badge
  - American Flag Patch
  - Embroidered name (First initial and last name in all capital letters; gold)
  - Rank Insignia
  - Shoulder Patches
  - Service Stars (long sleeve shirt only)
  - Authorized Insignia (optional)
- Shoes or boots – Black
- Socks – Black with low quarter shoes or if color exposed
- T-shirt – White crewneck, Black turtle neck or mock turtle neck (optional with long sleeve)
- Trousers - Flying Cross FX Class B Style Duty Pants (OD green)
- Time Piece

Additional uniform and equipment items to be worn/carried with the above uniform when performing field duty are as follows:

- Flashlight (when required)
- Gun Belt and Keepers

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    - Magazine case with magazines
    - Baton and Holder
    - Flashlight Holder (optional)
    - Handcuffs and case (second pair optional)
    - Holster
    - Key Ring holder
    - OC spray and holder
    - Portable Radio Holder
    - Service Pistol
- Helmet (available when necessary)
- Hat (available when necessary)
- Jacket – Black (when required)
    - Badge – Cloth
    - American Flag Patch
    - Name Tape
    - Rank Insignia
    - Shoulder Patches
    - Service Stars (optional)
- Memorandum Book
- Pen/Pencil
- Protective Vest
- Rain Clothing (when required)
- Tie and Brass Tie Holder (when required)

Additional uniform and equipment items to be worn/carried with the above uniform when performing jail duty are as follows:

- Flashlight (when required)
- Gun Belt – (Nylon) and Keepers
    - Flashlight Holder (optional)
    - Handcuffs and case (second pair optional)
    - Key Ring holder
    - OC spray and holder
- Portable Radio Holder

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- Memorandum Book
- Pen/Pencil
- Protective Vest (optional)

Jail Transportation Deputy is considered an outside duty and will wear the additional uniform and equipment items listed above for field duty.

1023.5.5 UTILITY UNIFORM (CLASS C/RIOT UNIFORM)

The Utility Uniform shall be worn only at the specific direction of a lieutenant of higher authority, and only when the principal duty being performed makes the wearing of a Standard Field Uniform impracticable, such as when responding to a planned demonstration or mass act of civil disobedience. The Utility Uniform is provided to each uniformed deputy by the Department and shall be returned to the Professional Standards Unit upon separation or assignment to a unit where the uniform is no longer required.

- 5.11 Tactical Dress Uniform green long sleeve top
  - Badge (Cloth)
  - Name Tape
  - Rank Insignia
  - American Flag Patch
  - Sheriff Patch
- 5.11 Tactical Dress Uniform green trousers
- Identification Card
- Shoes or Boots – Black
- Socks – Black
- T-shirt – Black crewneck.

Additional uniform and equipment items to be worn/carried with the above uniform are as follows:

- Flashlight (when required)
- Gloves (optional but recommended)
- Gun Belt
  - Magazine case and magazine
  - Duty Baton (ASP or Straight Stick) and holder
  - Flashlight Holder (optional)
  - Handcuffs and case (second pair optional)
  - Holster
  - Key Ring holder

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    - OC Spray and Holder
    - Portable Radio Holder
    - Service Pistol
    - Conducted Electrical Weapon - CEW (if available)
- Helmet
- Gas Mask/Filter and Carry Case
- Riot Baton
- Jacket – Black (when required)
    - Badge – Cloth
    - American Flag Patch
    - Name Tape
    - Rank Insignia
    - Shoulder Patches
    - Service Stars (optional)
- Memorandum Book
- Pen/Pencil
- Protective Vest
- Rain Clothing (when required)

1023.5.6 ALTERNATIVE STANDARD UNIFORM (LOAD BEARING VEST)

The alternative standard uniform can be worn by all sworn personnel whenever performing uniformed duty. The Alternative Standard Uniform shall consist of the following:

- Load Bearing Vest (Point Blank Guardian Outer Carrier)
    - Cloth Badge
    - Black Name Tape
    - SHERIFF written in black on rear of vest
    - Three rows of green Molle cloth
- The Following pouches are optional equipment for the Outer Carrier. Any pouches worn on the outer carrier must be Point Blank brand Molle, or another brand of a similar color and style. All pouches attached to the outer carrier must be of the same brand so the pouches are consistent in style and appearance. Pouches that do not meet the above specifications will not be permitted.
    - Flashlight
    - Pepper Spray

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- ASP Baton
- Radio
- Handcuff (Double or Single)
- Duty Pistol Magazine
- Small Utility

- Optional Shirt (Long or short sleeve) Flying Cross Hybrid Patrol Shirt
  - Shoulder Patches
  - Service Stars (long sleeve shirt only)

The below equipment items must be worn/carried on a duty belt with the above uniform when performing field duty as follows:

- Gun Belt and Keepers
  - Taser
  - Service Pistol

Additional uniform and equipment items to be worn/carried with the above uniform when performing jail duty are as follows:

- Flashlight (when required)
- Gun Belt – (Nylon) and Keepers
  - Flashlight Holder (optional)
  - Handcuffs and case (second pair optional)
  - Key Ring holder
  - OC spray and holder
- Portable Radio Holder
- Memorandum Book
- Pen/Pencil
- Protective Vest (optional)

Jail Transportation Officer is considered an outside duty and will wear the additional uniform and equipment items listed above for field duty.

1023.5.7 INDOORS UNIFORM

The indoor uniform may be worn whenever performing uniformed duty indoors and approved by the member's commanding officer. However, members shall have the required items for a Class B uniform available for immediate use. The indoor uniform shall consist of such items of apparel, identification and equipment of the Standard Field Uniform as directed by Bureau Commanders. At minimum this uniform shall consist of:

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- Belt – Trousers
- Identification Card
- Name Tape
- Shirt (long or short sleeve)
    - Badge
    - American Flag Patch
    - Rank Insignia
    - Shoulder Patches
    - Service Stars (long sleeve shirt only)
    - Department Commendation/Shooting Medals (optional)
    - Authorized Insignia (optional)
- Shoes or boots – Black
- Socks – Black
- T-Shirt – White crewneck
- Trousers
- Belt Holster – Black
    - Service Pistol

1023.5.8 PLAIN-CLOTHES DUTY EQUIPMENT

The items of equipment to be carried by deputies on plain-clothes duty in the field shall consist of the following:

- Badge and Identification Card
- Handcuffs and key
- Pen/Pencil
- Revolver or Pistol (Department issued or approved – the barrel shall not extend below lower coat line)
- Memorandum Book
- Protective Vest (available/recommended)

1023.5.9 PARKING ENFORCEMENT UNIFORM

The Parking Enforcement Officer Uniform shall be worn whenever performing uniformed duty as a Parking Enforcement/Traffic Enforcement Officer.

- Belt – Trousers
- Identification Card

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- Name Plate
- Shirt – White (Long or short sleeve)
    - American Flag Patch
    - Badge - Cloth
    - Shoulder Patches
    - “Parking Enforcement” Rocker Patch
    - Service Stars (long sleeve shirt only)
- Shoes or boots – Black
- Socks – Black
- T-shirt – White crewneck
- Trousers - Flying Cross FX Class B Style Duty Pants (OD green)

Additional uniform and equipment items to be worn/carried with the above uniform are as follows:

- Flashlight (when required)
- Portable Radio Holder (when required)
- Whistle
- Hat (available when necessary)
- Jacket – Black (when required)
    - Badge – Cloth
    - American Flag Patch
    - Name Tape
    - Rank Insignia
    - Shoulder Patches
    - Service Stars
- Memorandum Book
- Pen/Pencil
- Rain Clothing (when required)
- Tie and Holder (when required)

1023.5.10 SHERIFF'S SERVICE AID/ASSISTANT/SENIOR SHERIFF'S ASSISTANT UNIFORM

The Sheriff's Service Aide Uniform shall be worn whenever performing uniformed duty as a Sheriff's Service Aide/Service Assistant/Senior Sheriff's Service Assistant.

- Belt – Trousers

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- Identification Card
- Name Plate
- Shirt – Black Department Polo (long or short sleeve)
    - Embroidered Name
    - Embroidered Position (S.S.A)
    - Embroidered Sheriffs Star badge
- Shoes or boots – Black
- Socks – Black
- T-shirt – Black crewneck
- Trousers - Flying Cross FX Class B Style Duty Pants (OD green)

Additional uniform and equipment items to be worn/carried with the above uniform are as follows:

- Flashlight (when required)
- Portable Radio Holder (when required)
- Jacket (when required)
- Memorandum Book
- Pen/Pencil
- Rain Clothing (when required)
- Tie and Holder (when required)

1023.5.11 DEPARTMENT HATS

Baseball Style Cap - The baseball-style cap shall be a poly-weave OD Green Flex Fit/Velcro back cap. It shall have "Sheriff" (3/8-inch lettering) and "Marin County" (1/4-inch lettering) embroidered in black on the front of the cap. The baseball-style hat has the option of bearing the employee's identification number, which shall be 3/8-inch lettering embroidered in black and will be located on the back of the hat. The baseball-style cap SHALL always be worn forward, and sunglasses shall never rest on the front or the back of the cap. The baseball-style cap SHALL be removed for any professional style meeting while on duty. The baseball cap will be available to purchase through the Deputy Sheriff's Association (DSA). The wearing of the baseball-style cap will be approved only under the following situations:

- While wearing the Class B or Class C Uniform.
- While assigned to Jail and Patrol

Cold Weather Beanies – Patrol staff will be allowed to wear a "Cold Weather Beanie" outside in inclement weather conditions. Inclement weather will be defined as rainy conditions and or temperatures below 45 degrees Fahrenheit or at the discretion of the Watch Commander. The Beanie shall be the "Hero's Pride Watch Cap" which is 100% acrylic. The Beanie will be black in

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color and have "Sheriff" embroidered in yellow/gold with 1-inch lettering affixed to the front of the cap. The cap shall always be worn in a professional manner while in use.

1023.6 SPECIALIZED UNIFORMS

See the attached Uniform and Insignia Guide for photographic examples of the following uniforms.

1023.6.1 HONOR GUARD

Dress Uniform (Class A) with the following conditions: the gun belt will be worn with only the holster, duty weapon and keepers when acting as an honor guard member at funerals or religious ceremonies. A gold ascot, gold braided lanyard worn on right shoulder, gold piping on out seam of trousers, black Corcoran boots and campaign uniform hat. White gloves will be worn when acting as a pallbearer or usher. The nameplate will have the Honor Guard plate attached. Personnel shall wear hat and ascot and lanyard. The Honor Guard Coordinator, because of weather and/or type of ceremony, may eliminate the dress jacket. If the dress jacket is not worn, then the gold braided lanyard will be transferred to the right shirt shoulder.

1023.6.2 MARINE PATROL UNIFORM

This uniform may be worn in place of the Standard Field Uniform whenever performing full time duty on the Sheriff’s Patrol Boat.

- Belt-Trousers
- Identification Card
- Shirt Tan Polo style
    - American Flag Patch – left side above name
    - Badge – embroidered on left side
    - Name – embroidered on right side
    - Marin County SHERIFF – stenciled in Black on back
- Shoes or boots – Black (deck or rubber sole)
- Socks – Black
- T-shirt – White crewneck or Black short sleeved turtleneck
- Trousers - Flying Cross FX Class B Style Duty Pants (OD green)

Additional uniform and equipment items to be worn/carried with the above uniform are as follows:

- Flashlight (when required)
- Portable Radio Holder (when required)
- Whistle
- Gun Belt and Keepers – Black Nylon
    - Cartridge case and ammunition or magazine case with magazines – Black Nylon
    - Baton Holder – Black Nylon

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    - Flashlight Holder (optional)
    - Handcuffs and case (second pair optional) – Black Nylon
    - Holster – Black Nylon
    - Key Ring holder – Black Nylon
    - OC spray and holder – Black Nylon
    - Portable Radio Holder
    - Service Pistol
- Hat – Black baseball style with gold SHERIFF (available when necessary)
- Jacket – Black (when required)
    - Badge – Cloth
    - American Flag Patch
    - Name Tape
    - Authorized Insignia
    - Shoulder Patches
- Memorandum Book
- Pen/Pencil
- Rain Clothing (when required)

The Commander of Bureau of Field Services shall specify other articles of apparel, identification and equipment to be worn or carried with this uniform.

1023.6.3 OPEN SPACE DISTRICT DEPUTY/MARIN MUNICIPAL WATER DISTRICT DEPUTY

This uniform may be worn in place of the Standard Field Uniform whenever performing full time duty as the Open Space District Deputy Sheriff or the Marin Municipal Water District Deputy Sheriff.

The Commander of Bureau of Field Services shall specify the articles of apparel, identification and equipment to be worn or carried with this uniform.

1023.6.4 SPECIAL ENFORCEMENT UNIT

The uniform to be worn whenever performing a Special Enforcement Unit operational duty shall be a Class B uniform unless the Commander of Bureau of Field Services specifies differently for a specific operation or assignment.

1023.6.5 SHERIFF'S DIVE TEAM

The uniform to be worn whenever performing a Sheriff’s Dive Team operational duty shall be specified by the Commander, Bureau of Field Services.

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1023.6.6 SHERIFF'S SPECIAL RESPONSE TEAM

The uniform to be worn whenever performing a Sheriff's Special Response Team operational duty shall be specified by the Commander of Bureau of Field Services. The shoulder patch for the team uniform will be a subdued version of the department patch.

1023.6.7 CRISIS NEGOTIATIONS TEAM

The uniform to be worn by members assigned to the Sheriff's Crisis Negotiations Team consists of:

- Shirt Black Polo style (long or short sleeve)
  - Badge - embroidered on left side
  - Name – embroidered on right side
- T-Shirt – Black crewneck
- Trousers - Green BDU style
- Trouser belt - black
- Black boots

1023.6.8 SHERIFF'S PATROL RESERVES (VOLUNTEERS)

The uniform to be worn by the Sheriff's Patrol Reserves is the Class A, B and C uniforms.

1023.6.9 SHERIFF'S SEARCH AND RESCUE UNIFORM (VOLUNTEERS)

This uniform shall be worn by members of the Sheriff's Department Search and Rescue Unit.

The Search and Rescue Coordinator shall specify the articles of apparel, identification and equipment to be worn or carried at searches with this uniform. The Commander, Bureau of Field Services, shall specify other articles of apparel, identification and equipment to be worn or carried with this uniform at non-search functions.

1023.6.10 SHERIFF'S AIR PATROL (VOLUNTEERS)

This uniform shall be worn by members of the Sheriff's Air Patrol whenever performing uniformed duties for the Department or representing the Department at a public function.

The Commander, Bureau of Field Services, shall specify the articles of apparel, identification and equipment to be worn or carried with this uniform.

1023.6.11 SHERIFF'S MOUNTED POSSE (VOLUNTEERS)

This uniform shall be worn by members of the Sheriff's Mounted Posse whenever performing uniformed duties for the Department or representing the Department at a public function.

- Belt-Trousers
- Identification Card
- Name Plate
- Shirt
  - American Flag Patch

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    - Badge
    - Shoulder Patches
- Shoes or boots – Black
- Socks – Black
- T-Shirt – White crewneck
- Trousers

Additional uniform and equipment items to be worn/carried with the above uniform are as follows:

- Flashlight (when required)
- Portable Radio Holder (when required)
- Whistle
- Hat – western style (available when necessary)
- Jacket – Black (when required)
    - Badge – Cloth
    - American Flag Patch
    - Name Plate
    - Authorized Insignia
    - Shoulder Patches
- Memorandum Book (available when necessary)
- Pen/Pencil
- Rain Clothing (when required)
- Tie and Holder (when required)

The Commander of Bureau of Field Services, shall specify other articles of apparel, identification and equipment to be worn or carried with this uniform.

1023.6.12 SHERIFF'S CHAPLAIN (VOLUNTEERS)

The uniform to be worn is the appropriate attire for the religious denomination that the Chaplain represents. The Chaplain will also wear a department furnished Sheriff’s Chaplain windbreaker.

Other article of apparel, identification and equipment to be worn or carried with this uniform shall be specified by the Commander of Bureau of Field Services.

1023.6.13 SHERIFF'S CORONER

The uniform to be worn by members assigned to the Sheriff’s Coroner consist of:

- Shirt Green Polo style (long or short sleeve)
    - Badge - embroidered on left side

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- Name – embroidered on right side
- T-Shirt – Black crewneck
- Trousers - Black BDU style
- Trouser belt - black
- Black boots
- Belt Holster – Black
  - Service Pistol (If authorized to carry)
  - Badge

1023.6.14 SHERIFF'S CADET

The uniform to be worn by members assigned as a Sheriff's Cadet consist of:

- Shirt Green Polo style (long or short sleeve)
  - Badge – embroidered on left side
  - Name – embroidered on right side
  - Sheriff's Cadet stenciled in gold on back
- T-Shirt – Black crewneck
- Trousers – Tan BDU style
- Trouser belt - black
  - Key Ring Holder
  - Portable Radio Holder
- Black boots
  -

1023.6.15 SHERIFF'S INSTRUCTORS (PRACTICAL APPLICATIONS)

This section is applicable to members of the Sheriff's Office who have roles as an instructor for the following training elements: Firearms Instructors, Defensive Tactics Instructors, First Aid Instructors, Officer Survival Instructors, Active Shooter/Rescue Task Force Instructors, Force Option Simulator Instructors, Crowd Control Instructors, or any other training element related to the practical application of law enforcement skills, techniques and legal requirements.

The uniform to be worn by members assigned as a Sheriff's Instructor (Practical Applications) may consist of:

- Polo Shirt – Red (long or short sleeve)
  - Badge – embroidered on left side
  - Name – embroidered on right side

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- Crewneck Athletic Shirt – Red (long or short sleeve)
  - Badge – screen printed on left side
  - Name – screen printed on right side
  - Instructor – stenciled in black on back
- Hooded Sweatshirt – Black
  - Badge – Red – screen printed on left side
  - Name – Red – screen printed on right side
  - Instructor – stenciled in red on back
- External Vest – Red
  - Badge – On left side
  - Firearms Instructor Patch on back
- Jacket – Black (when needed)
- T-Shirt (under polo shirt) – Black crewneck
- Trousers – Black BDU style
- Trouser belt – Black
- Black boots/shoes
- Hat – Red
  - Badge – embroidered in black

1023.7 COURTROOM ATTIRE

Civilian clothing worn by department personnel, including employees in low visibility assignments while appearing in court, shall present a businesslike appearance.

Acceptable attire shall conform to the following:

- Male Employees: A business suite, or sport coat and trousers, with a dress shirt and necktie
- Female Employees: A dress, suit or pants suit; or a skirt or pants with a blouse, sweater or jacket.

On duty uniformed members shall appear in Class A or B uniform.

Exception: On duty employees summoned to court without advance notice may appear in their normal attire. Deputies assigned to Investigations Division or a plain-clothes assignment may appear in their normal duty attire.

1023.8 UNIFORM ITEMS/INSIGNIA

No insignia or other items shall be worn on the uniform that are not authorized in this policy or by special order of the Sheriff.

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1023.8.1 BADGE

The Marin County Sheriff's Office star badge issued to the individual or a privately purchased star conforming to the regulations and bearing the individual's Sheriff's Office identification number. Members in non-uniform assignments shall carry the star issued to them or a privately purchased star conforming to the regulations and bearing the individual's Sheriff's Office identification number.

A Captain or above must approve the purchase of any privately owned Marin County Sheriff's Office badges. A notation of the approval will be made in the member's equipment file.

(a) Members and professional staff shall not use another member's or professional staff's department issued badge without the permission of a superior officer.

(b) Members and professional staff shall not knowingly permit any person not appointed by the Sheriff to use a Marin County Sheriff's Office badge at any time.

(c) The badge shall be worn on the uniform attached to the badge holder on the outermost garment, unless a cloth badge had been authorized for that garment.

1023.8.2 BADGE - VOLUNTEERS

The Marin County Sheriff's Office star badge issued to the individual or an authorized privately purchased star conforming to the regulations and bearing the individual's Sheriff's Office identification number.

A Captain or above must approve the purchase of any privately owned Marin County Sheriff's Office badges. A notation of the approval will be made in the volunteer member's equipment file.

(a) Volunteers working in a uniformed assignment shall wear the badge on the uniform attached to the badge holder on the outermost garment, unless a cloth badge has been authorized for that garment.

(b) Volunteers in non-uniform assignments shall carry the badge with them while working that assignment.

(c) Volunteers shall not use the badge to imply they are a peace officer unless performing a Sheriff's Office assignment.

(d) Volunteers shall not use another member's or professional staff department issued badge without the permission of a superior officer.

(e) Volunteers shall not knowingly permit any person not appointed by the Sheriff to use a Marin County Sheriff's Office badge at any time.

Refer to the attached Uniform and Insignia Guide for photos of approved volunteer badges.

1023.8.3 BADGE - CLOTH

The Marin County Sheriff's Office cloth star badge issued to an individual for attachment to a windbreaker, car coat or Sheriff's utility coverall uniform.

(a) Sworn staff – Deputy Sheriff Marin County.

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(b) Professional staff and Volunteers – assignments requiring a uniform. Sheriff's Office Marin County.

Refer to the attached Uniform and Insignia Guide for photos of approved cloth badges.

1023.8.4 BADGE - LINE OF DUTY DEATH

When the Sheriff, Attorney General, Governor or President of the United States formally declare a day(s) of morning for law enforcement officer(s) who died in the line of duty, a black band may be worn on the Sheriff's Office star badge for the period of mourning. When wearing a metal Sheriff's Office star badge, the band should be ½ inch black elastic band material. Black tape will be worn on the Sheriff's Office star on Class B uniforms.

As you face the badge, the black band goes from the top right to the left of the star badge.

Refer to the attached Uniform and Insignia Guide for a photo of the correct manner in which to wear the mourning band.

1023.8.5 IDENTIFICATION CARD (CREDENTIALS)

Members and employees shall carry the identification card issued by the Marin County Sheriff's Office while on duty. Members and employees should carry the identification card at all times.

(a) Members and employees shall not use another member or employee's department issued identification card without the written authorization of a Captain or above.

(b) Members and employees shall not knowingly permit any person not appointed by the Sheriff to use a Marin County Sheriff's Office Identification Card at any time.

1023.8.6 NAMEPLATE

The nameplate will be centered above the right breast pocket with the bottom edge of the nameplate parallel with and touching the pocket seam. The nameplate must contain the first initial and last name of the member or employee.

Sworn staff assigned to a specialty unit may wear a back plate to the nameplate with the specialty unit designation on members' Class A uniform. If an individual is a member of more than one specialty unit, they may pick the unit back plate they want to wear. Field Training Officers will wear the Training Office back plate. Approved back plates include:

- Dive Team
- Honor Guard
- Crisis Negotiations Team
- Special Response Team
- Field Training Officer
- Canine Officer
- Marine Patrol Officer

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Refer to the attached Uniform and Insignia Guide for photos of approved nameplates for the various department assignments.

1023.8.7 NAMETAPE

A nametape will be worn on the Utility Uniform (Class C), black windbreaker jacket, and the car coat. The nametape will be centered above the right breast pocket with the bottom edge of the nametape parallel with and touching the pocket seam. The nametape must contain the first initial and last name of the member or employee. The tape color for the windbreaker jacket and car coat will be black with gold embroidered block letters. The tape color for the Utility Uniform will be the same dark green as the uniform with black embroidered block letters. The nametape will be 1" in height with the block letters 3/4" high.

Refer to the attached Uniform and Insignia Guide for photos of approved nametapes for the various department assignments.

1023.8.8 MEDALS - COMMENDATION AND SHOOTING

Medals, ribbons and other Sheriff's Office awards shall be worn on the Dress Jacket (Class A). The awards shall be worn on the left front side in the following manner:

Highest to lowest award – Medal of Valor, Medal of Merit, Medal of Commendation, Lifesaving Medal

1023.8.9 INSIGNIA - OTHER

American Flag Pin – Members will wear a department issued American Flag pin on their Class A dress coat. The pin will be worn on the left lapel (centered.)

Air Patrol Wings – Members and Volunteers may wear the Marin County Sheriff's Office Pilot wings if they are a FAA certified pilot, and an active member of the Sheriff's Air Patrol or a full time deputy with a supplementary assignment that requires flying.

1023.8.10 RANK

Sergeant - Sergeants shall wear cloth sergeant stripes on the sleeves of the short sleeve and long sleeve shirts, dress uniform jacket, car coat and windbreaker. The top point of the stripes shall be touching the bottom point of the Office patch. Metal chevrons will not be worn except on the Class C uniform, on which they are optional.

Lieutenant - A single gold bar shall be affixed to the center of each side of the collar of the uniform shirt worn by Lieutenants. The front edge of the bar shall be ¾ inch from and parallel with the front edge of the collar. On each shoulder of the dress uniform jacket, car coat or windbreaker, a single gold bar shall be placed with the outer edge 5/8 inch above the sleeve seam. The bar shall be centered over the shoulder seam and shall be parallel to the sleeve seam.

Captain - Two gold bars shall be affixed to the center of each side of the collar of the uniform shirt worn by Captains. The front edge of the bars shall be ¾ inch and parallel with the front edge of the collar. On each shoulder of the dress uniform jacket, car coat or windbreaker, a two gold bar

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insignia shall be placed with the outer edge 5/8 inch above the sleeve seam. The bars shall be centered over the shoulder seam and shall be parallel to the sleeve seam.

Undersheriff - Two gold stars shall be affixed to the center of each side of the collar of the uniform shirt worn by Undersheriff.On a short sleeve shirt, one point of each star shall point upwards in such a manner that a line dissecting this point shall be parallel to the front edge of the collar. On a long sleeve shirt one point of each star shall point upwards in such a manner that a line dissecting this point shall be perpendicular to the front edge of the collar. The center of the stars shall be 1 inch above the sleeve seam and centered directly over the shoulder seam.

Sheriff - Four gold stars shall be affixed to the center of each side of the collar of the uniform shirt worn by Sheriff. On a short sleeve shirt one point of each star shall point upwards in such a manner that a line dissecting this point shall be parallel to the front edge of the collar. On a long sleeve shirt one point of each star shall point upwards in such a manner that a line dissecting this point shall be perpendicular to the front edge of the collar. The center of the stars shall be I inch from the front edge of the collar. On the dress uniform jacket, car coat or windbreaker, four gold stars shall be worn on each shoulder so that one point of the star points to the rear. The center of the stars shall be 1 inch above the sleeve seam and centered directly over the shoulder seam.

Service Stars - One gold embroidered service star for each 5 years of full time law enforcement service shall be worn on the long sleeve shirt and dress jacket left sleeve. Optional on black jacket, sheriff's aide long sleeve shirt and jail uniform shirt. On the uniform shirt and black jacket, the bottom edge of the stars will be ¾" above the top seam of the sleeve cuff. On the Dress Jacket, the bottom edge of the stars will be ¾" above the sleeve strip.

Shoulder Patches - The Office shoulder patch will be affixed to both the left and right shoulders of the uniform shirts, windbreakers, dress jackets and utility uniforms.

The Special Response Team will wear a subdued version of the department patch on their team uniform. The patch will have the letters SRT centered in the lower area of the patch.

Refer to the attached Uniform and Insignia Guide for an example photo of the approved SRT patch.

Rockers – To be worn above the Office shoulder patch by uniformed professional staff and volunteers on their Sheriff's Office uniform(s.) The rocker will indicate the Division or unit assigned to. Approved rockers include:

- Detention Services
- Court Services
- Search and Rescue
- RACES - OES Radio Amateurs

Refer to the attached Uniform and Insignia Guide for example photos of the approved rockers.

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1023.8.11 AMERICAN FLAG PATCH

American flag patch will be worn above the right pocket on all uniform shirts. The patch will be centered to the width of the pocket and the bottom edge of the flag shall be 1” above the top seam of the pocket. The patch will also be worn on the windbreaker jacket and car coat in the same location as the shirt. The flag patch will not be worn on the dress jacket.

1023.8.12 SLEEVE STRIPE - DRESS JACKET

The Class A Dress Jacket will have sleeve stripes/braid on each sleeve as indicated in the Uniform and Insignia Guide.

Deputy, Sergeant, Volunteers stripe shall be ¾ inch wide black braid with gold- colored trim. The stripe will be 3 inches above the bottom edge of the sleeve and extend one-half way around the sleeve from seam and set into the seam at both sides.

Lieutenant stripe shall be one gold braid ¾ inch wide. The stripe will be 3 inches above the bottom edge of the sleeve and extend one-half way around the sleeve from seam and set into the seam at both sides.

Captain, Undersheriff, Sheriff shall have two ¾ inch wide gold braid stripes. The first stripe will be 3 inches above the bottom edge of the sleeve and extend one- half way around the sleeve from seam to seam and set into the seam at both sides. The second strip will be 3/4 inches above the first stripe.

1023.9 DESTRUCTION OR LOSS OF DEPARTMENT OWNED UNIFORM AND EQUIPMENT

Members, professional staff and volunteers are responsible for the proper care of department owned uniforms and equipment assigned to them. Damaged or lost uniform(s) or equipment may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

1023.9.1 REPORTING LOST OR STOLEN DEPARTMENT OWNED UNIFORMS AND EQUIPMENT

Members, professional staff or volunteers who have department owned uniform or equipment items stolen or lost on duty or off duty shall:

- Submit a written report to the Division Commander detailing the circumstances.
- Complete a Crime or Incident Report.

Note: Field personnel desiring immediate temporary replacement of safety equipment items shall have their Division Commander direct a memo to the Professional Standards Unit requesting such a replacement. The memo should state that this is a temporary replacement pending an investigation of the incident by the Division Commander.

The Division Commander shall make a determination as to the degree of responsibility on the part of the employee for this theft or loss.

If the Division Commander determines that the employee was not negligent in the loss of the items, he shall complete and sign a memorandum requesting replacement be issued.

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If the Division Commander determines that the employee was negligent and/or the loss could have been prevented had the employee exercised reasonable judgment and precaution, the Division Commander shall recommend appropriate remedial or disciplinary action in accordance with existing department guidelines and forward the recommendations to the Bureau Commander for approval. This recommendation shall include a statement that, in case of negligence, the employee can be held accountable for the replacement costs, and that the Department shall request the employee to reimburse the Department for replacement. Consideration should be given if there are previous incidents where the employee has been negligent.

When the reported items are found or recovered, and unless the items are required as evidence in a case, they shall be turned over to the Professional Standards Unit. The Professional Standards Unit shall notify the Bureau and Division Commander of the employee's assignment.

1023.10 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Marin County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Marin County Sheriff's Office to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

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Sheriff's Cadets

1024.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1024.1.1 PROCEDURES

There are no procedures associated with this policy.

Click the following link for: Cadet Training Manual.pdf

1024.2 EDUCATION AND OTHER REQUIREMENTS

To be eligible, cadets must:

- Be a high school graduate or equivalent
- Be at least 18 years old
- Not have any felony criminal convictions
- Meet drug standards
- Be able to work evenings and weekends
- Be willing to wear a uniform
- Possess a valid Class C California driver's license
- Maintain a minimum grade point average of 2.0 for all courses taken.
- Cadets shall complete nine units of college course work per semester or six quarter units (proof required)
- Pass a background investigation, criminal record check, computer voice stress analysis, and medical exam
- Eligibility to be employed as a cadet will not extend beyond 180 days from their last day of college attendance in accordance with this policy.

1024.3 PROGRAM COORDINATOR

The Professional Standards Unit Lieutenant shall serve as the Cadet Program Coordinator. The Program Coordinator will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1024.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the sheriff's

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deputy selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become sheriff's deputies. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1024.5 CADET UNIFORMS

Each cadet will be provided two uniforms (uniform shirt and uniform pants) meeting the specifications described in the Uniform Manual for professional staff employees.

1024.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Professional Standards Unit Lieutenant.

1024.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program. Cadets may ride-along while on- or off-duty with the approval of their immediate supervisor. Cadets will not be paid when they choose to ride-along off-duty. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating in a ride-along while on-duty. Cadets shall wear business casual attire while participating in ride-alongs while off-duty.

1024.8 PERFORMANCE EVALUATIONS

Each cadet shall receive a performance evaluation every time he/she is assigned to a new Division or Bureau. The cadet's immediate supervisor shall prepare a written performance evaluation which shall be forwarded to the Professional Standards Unit Lieutenant for review and inclusion in the cadet's personnel file.

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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 department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

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 Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

Related Employees - Employees or applicants for employment that are related by blood, marriage or adoption, or are any of the following: husband, wife, father, mother, son, daughter, brother, sister, half-brother, half-sister, grandparent, grandchild, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in law, daughter-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, and first cousin.

Domestic Partners - Employees or applicants for employment that are registered as domestic partners at the local or state level are recognized as a married couple.

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Common Law Relationships - Employees or applicants for employment entering into a common law relationship and are cohabiting are recognized the same as a married couple.

Engagements - Employees or applicants for employment entering into a formal engagement to be married, regardless of the living arrangement, are recognized as a married couple.

Continuous Dating Relationships - The term continuous dating relationship shall mean two unrelated adult persons, establishing a dating relationship, resulting in some permanency of the relationship.

1025.1.2 PROCEDURES
There are no procedures associated with this policy.

1025.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees should not directly supervise, occupy a position in the line of supervision or be directly supervised by any other employee who is a relative or with whom they are involved in a personal 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. A Watch Commander will be notified immediately.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
3. Every effort will be made so that there is no direct supervision of a related employee, domestic partner, or employees involved in a continuous dating relationship.
4. Supervisors and subordinates assigned to the same Division or Bureau that engage in a continuous dating relationship, or are domestic partners, or related employees shall not work on the same shift within the same Division. It is the duty of the involved supervisor and subordinate to notify the Bureau Commander of the relationship. On the next shift bidding process, one of the employees shall be required to transfer to another shift or division to comply with this policy. Any transfer of any employee must meet with the approval of the Sheriff or the authorized designee. An exception will be made when one of the employees works on the shift of the other on an overtime assignment or shift trade. A Watch Commander will be notified prior to the shift.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel

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decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

Related employees as defined by this policy may not work together in the same Division or Bureau on the same shift unless the following guidelines are met:

1. In the Patrol Division each employee will be assigned to a different sub-station.
    (a) The employees are not involved in a supervisor/subordinate relationship as established by the Department's chain of command.
2. In the Custody Division one employee will be assigned to the Housing Area and the other employee will be assigned to the Booking Area. At no time should both employees be assigned to the Booking Area or the Housing Area at the same time.
    (a) The employees are not involved in a supervisor/subordinate relationship as established by the Department’s chain of command.

For the purposes of this policy, related employees are any of those relationships as defined as Related Employees, Domestic Partners, Common Law Relationships, Engagements and Dating Relationships.

With the permission of the Sheriff, related employees may be assigned to the same Bureau when either employee is a Division or Bureau Commander. However, the Division or Bureau Commander should not be the direct supervisor and may not take any personnel action involving the related employee. This includes, but is not limited to, personnel evaluations, promotional review boards, or disciplinary actions against the employee.

1025.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with

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whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

In order to comply with this policy, applicants for employment, employees offered promotional opportunities, or employees requesting transfer shall be required to indicate if they have any related employees currently employed by the Department, as defined by this policy. There is nothing implied in this policy that will preclude any person or employee from being hired or promoted due to having a related employee in the Department.

Employees who are already related or become related, as defined by this policy, shall immediately notify the Bureau Commander of their relationship. If the employees are assigned to the same operational field environment, on the next shift bidding process, one of the employees shall be required to transfer to another station, shift, or division to comply with this policy. Any transfer of any employee must meet with the approval of the Sheriff or the authorized designee.

1025.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

1025.2.3 SPECIAL TEAMS

With the permission of the Sheriff, related employees may be assigned to special operations assignments (e.g., Special Response Team, Crisis Negotiations Team, Dive Team, etc.).

1025.2.4 EXCEPTIONS

The Sheriff shall reserve the right to preclude any assignment of employees in the Department if, in his/her judgment, the assignment could give the appearance of a conflict of interest.

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Department Badges

1026.1 PURPOSE AND SCOPE

The Marin County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Marin County Sheriff's Office are property of the Department and their use shall be restricted as set forth in this policy.

1026.1.1 PROCEDURES

There are no procedures associated with 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 department badges shall be in strict compliance with this policy. Only badges issued or authorized 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 PROFESSIONAL STAFF PERSONNEL

Badges and department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Enforcement, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1026.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement employees may be provided 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 professional staff 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.

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Employees shall not use another employee's department issued badge without the permission of a supervisor. Employees shall not loan his/her department identification card to others and shall not permit the identification card to be reproduced or duplicated.

Employees shall not knowingly permit any person not appointed by the Sheriff to use a Marin County Sheriff's Office badge at any time.

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 Marin County Sheriff's Office. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

1026.5 SECONDARY SHERIFF'S BADGES AND IDENTIFICATION CARDS

Members may purchase a secondary, personally owned Marin County Sheriff's Office badge for carry while on- or off-duty, although no such badge shall be possessed without the express prior written approval of the Sheriff or the authorized designee. Members electing to purchase a secondary Sheriff's badge may, at their discretion, also request issuance of a secondary Sheriff's identification card as well.

1026.5.1 REQUEST FOR SECONDARY BADGE OR IDENTIFICATION CARD

All newly hired members of the Department shall have issued to them one Marin County Sheriff's Office badge and accompanying identification card. In the event a member wishes to purchase and carry a secondary Sheriff's badge, express written authorization to do so must first be obtained from the Administration and Support Services Bureau Captain. Such authorization shall be made using a department approved form, one copy of which shall be retained in the member's permanent training file, the other of which shall be provided to the vendor from whom the member is making the badge purchase. No Sheriff's badges may be otherwise purchased or possessed.

In the event permission to purchase and carry a secondary Sheriff's badge has been granted, the requesting member may, at his/her discretion, also request the issuance of one additional Sheriff's identification card for carrying with that secondary badge. Only one additional Sheriff's identification card shall be issued.

Permission to possess a secondary Sheriff's identification card shall be obtained in writing from the Administration and Support Services Bureau Captain. Any such authorization shall be made using a department approved form, one copy of which shall be retained in the requesting member's permanent training file.

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1026.5.2 DESIGN

All secondary Sheriff’s badges purchased in accordance with this policy shall be similar in design and appearance to those regularly issued by the Marin County Sheriff's Office.

1026.5.3 ORDER TO SURRENDER

In the event a member is ordered to surrender his/her Sheriff’s badge and identification card, that order shall at all times be considered to include any and all Sheriff’s badges and identification cards possessed by the affected member, whether supplied to the member by the Department or purchased personally in accordance with this policy.

Should the order to surrender a Sheriff’s badge and identification card become permanent, the member shall forfeit his/her ownership to any such badge without compensation by or from the Department.

1026.5.4 PREVIOUSLY PURCHASED SECONDARY BADGES

Members who have purchased a secondary Sheriff’s badge prior to the issuance of this policy shall have 60 days from the date of its issuance to obtain the written permission to possess that badge required by this policy. Members who possess a secondary Sheriff’s badge after that date without the required authorization from the Administration and Support Services Bureau Captain shall be deemed to be in violation of this policy.

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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 Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1027.1.1 DEFINITIONS

Modified Duty Assignment - Job tasks designated by the Bureau Commander, which serve a necessary function that are consistent with the restrictions/limitations described by the treating physician and which are less than usual and customary (full duty) in
either nature, extent or duration for the employee's rank or classification.

Necessary Function - A productive activity within the Sheriff's Office that is consistent with the temporarily disabled employee's rank or classification to which the employee can be assigned without displacing another employee or creating significant difficulty or expense to the Sheriff's Office. No permanent position shall be created by the Sheriff's Office to otherwise provide a post to which a temporarily disabled employee could be assigned.

Physical or Mental Condition - A temporary physiological or psychological condition resulting from illness, injury, pregnancy or childbirth that prevents or can be reasonably anticipated to prevent full fitness for duty by a Sheriff's Office employee.

Disabling Condition - The medically documented physical or mental health status that renders that employee temporarily unable to perform their usual and customary duties for a prescribed period of time.

Treating Physician - The employee's designated primary treating physician, Agreed Medical Examiner or Qualified Medical Examiner. If the employee has more than one physician with an opinion it is the employee's responsibility to have those opinions sent to the designated primary treating physician. There can be only one physician recognized as the authority when providing disability information for purposes of the temporary modified duty program.

1027.1.2 PROCEDURES

There are no procedures associated with this policy.

1027.2 POLICY

Subject to operational considerations, the Marin County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

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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 Marin County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee’s ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or being otherwise limited in employing their peace officer powers. Additionally, no employee who is on temporary modified-duty will engage in outside employment, absent approval from the Sheriff or his/her designee.

An employee who meets all requirements for placement in this program may be eligible to participate for up to 150 calendar days in any rolling 12 month period upon approval by the Sheriff. The Sheriff's Office may grant extensions of this time period on a case-by-case basis. However the total number of days of participation in the Modified Duty Program by one individual shall not exceed 260 calendar days in any rolling 12 month period.

1027.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Bureau Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Upon request to provide modified duty or receipt of a medical release to modified duty, the individual's Division Commander will notify the Administration Division Lieutenant, hereinafter

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referred to as the Admin Lieutenant. The Admin Lieutenant shall evaluate the appropriateness of an employee's assignment to modified duty pursuant to the provisions of this General Order and policy. If approved by the Admin Lieutenant or his/her designee, a determination shall be made of a suitable temporary modified duty assignment on a case-by-case basis. His/her evaluation will be forwarded to the Commander, Bureau of Support Services who will advise the Sheriff and Undersheriff.

If the County or Third Party Administrator (TPA) has sent the employee to a physician for evaluation and the recommendations of that physician are in conflict with the treating physician recommendations then both recommendations should be sent to the Risk Management Department for a resolution of the limitation/restrictions imposed.

Supervisors placed on modified duty status shall perform those activities and tasks as designated by the Sheriff or his/her designee. Sworn employees above the rank of Sergeant may be placed on modified duty status at the discretion of the Sheriff.

If temporary modified duty is not provided, the Admin Lieutenant, or his/her designee must immediately notify the Workers Comp Analyst, Risk Management Department and TPA so that alternative benefits can be timely provided. Until the Sheriff's Office provides temporary modified duty assignments such benefits, as the employee would otherwise be entitled will be provided.

1027.4.1 ASSIGNMENT TO BUREAU OF SUPPORT SERVICES

Employees placed on modified duty status shall be assigned to the Bureau of Support Services, and will be contacted by the Bureau Commander or his/her designee and given a date and time to report for duty.

The Bureau Commander (Support Services) will retain administrative supervision of an employee on modified duty status irrespective of the assigned operational unit.

The Bureau Commander shall:

(a) Assign an employee on modified duty status to a necessary function within an operational unit

(b) Assign an employee to any shift of an operational unit consistent with the needs of the Sheriff's Office.

(c) Coordinate with the Commander of the operational unit to which an employee is assigned to provide for supervision and direction of the employee.

(d) Evaluate the modified duty status of all employees assigned to the Bureau of Support Services a minimum of once every thirty (30) days.

(e) Monitor the employee to assure the performance of the assigned duties do not exceed the restrictions

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

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assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Bureau Commander.

Sworn employees shall not wear the Sheriff's Office uniform while on modified duty status unless otherwise directed by the Bureau Commander or operational unit commander. Appropriate business attire shall be worn. Shorts or cutoff pants are not appropriate unless a cast or other medical device prevents the wearing of long pants. Business casual shall be the standard apparel unless otherwise authorized.

Sworn employees may retain their peace officer status unless notified by the Sheriff's Office that their peace officer powers are in suspension. However, sworn employees shall restrict their actions to those incidents that present a clear and imminent threat to life or serious bodily injury.

Employees on modified duty status under the provisions of this paragraph shall engage in enforcement actions only under the direction and supervision of the Support Services Bureau Commander or operational unit commander.

Employees on modified duty status shall not engage in secondary employment or continue secondary employment commenced prior to the occurrence of the disabling condition unless:

(a) The employee has secured written permission from the Sheriff prior to the occurrence of the disabling condition in accordance with the Marin County Code Section 2.52.090; and

(b) Following the assignment to modified duty, the employee has again secured the Sheriff's written authorization.

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 Bureau 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 Bureau Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Bureau 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 Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy. The duration of the modified duty assignment shall be determined by Sheriff's Office needs and an ongoing case-by-case evaluation of the employee's individual circumstances and fitness for duty.

Employees on modified duty status will be allowed reasonable accommodation to attend physician appointments and participate in any ongoing course of treatment or rehabilitation as prescribed by the designated treating physician.

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.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; 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 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

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1027.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

1027.10 TERMINATION OF MODIFIED DUTY ASSIGNMENT

A modified duty assignment will terminate under the following conditions:

(a) No necessary function exists in the Sheriff's Office or is consistent with the restrictions imposed by the treating physician

(b) The employee has been released to return to full duty by their treating physician

(c) The employee has been medically determined to be permanently precluded from returning to their usual and customary position

(d) The maximum aggregate duration for modified duty allowed by this policy has been reached

(e) In the opinion of the Bureau Commander the employee has failed to fulfill their responsibilities and obligations pursuant to this policy

(f) The maintenance of an employee on modified duty status conflicts with the legitimate business needs of the Sheriffs Office or any other requirement,regulation or law to which the Sheriffs Office must adhere.

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Employee Speech, Expression and Social Networking

1028.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1028.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1028.1.2 PROCEDURES

There are no proceedures associated with this policy.

1028.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Marin County Sheriff's Office will carefully balance the individual employee’s rights against the Department’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1028.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Marin County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably

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be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

1028.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Marin County Sheriff's Office or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Marin County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Marin County Sheriff's Office or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Marin County Sheriff's Office.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

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(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Marin County Sheriff's Office on any personal or social network or other website or web page, without the express authorization of the Sheriff.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1028.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Marin County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Marin County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or deputy associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Marin County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty.

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However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1028.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1028.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1028.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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Illness and Injury Prevention

1029.1 PURPOSE AND SCOPE

The policy of the County of Marin regarding Injury and Illness Prevention shall be the policy of this Department.

The text of this order is the verbatim policy of the County of Marin regarding Injury and Illness Prevention. Any change hereto must be approved by the Board of Supervisors.

1029.1.1 PROCEDURES AND ATTACHMENTS

There are no procedures associated with this policy.

Click the following link for: County of Marin Injury and Illness Prevention Program.pdf

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Line-of-Duty Deaths

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Marin County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1030.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a deputy during the course of performing law enforcement-related functions while on- or off-duty, or a professional staff member during the course of performing assigned duties.

For a deputy, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1030.1.2 PROCEDURES

There are no procedures associated with this policy.

1030.2 POLICY

It is the policy of the Marin County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1030.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and the Communications Center.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

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(b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1030.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the

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workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting child care or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Marin County Sheriff's Office members may be apprised that survivor notifications are complete.

1030.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member’s survivors, but will not obligate the Department to pay travel expenses without the authorization of the Sheriff.

1030.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1030.6 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1030.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Bureau Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Sheriff. The Department Liaison's responsibilities include but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

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(f) Making necessary contacts for authorization to display flags at half-staff.

(g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1030.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Marin County Sheriff's Office members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

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1030.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

(a) Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM Coordinator to ensure that survivors have access to available counseling services.

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(h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1030.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Sheriff or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

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(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1030.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Sheriff and command staff concerning funeral arrangements.

(e) Assigning a deputy to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1030.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

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(b) Area coverage so that as many Marin County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Sheriff should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1030.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits, such as:

1. Education benefits (Education Code § 68120).
2. Health benefits (Labor Code § 4856).
3. Workers' compensation death benefit (Labor Code § 4702).

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of

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the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1030.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

  (a) Paying survivors' travel costs if authorized.

  (b) Transportation costs for the deceased.

  (c) Funeral and memorial costs.

  (d) Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1030.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Instruct department members to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

  1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

  2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.

(d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

  1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.

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(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1030.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1030.9 INVESTIGATION OF THE INCIDENT

The Sheriff should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1030.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1030.11 NON-LINE-OF-DUTY DEATH

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

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Peer Support Program

1031.1 POLICY

The Marin County Sheriff's Office will provide all employees and their families with the opportunity for peer support and assistance in times of personal or professional problems. Peer Support is a confidential and voluntary process whereby a person discusses a personal issue with a non-professional; usually a friend or co-worker.

Peer Support staff members are trained to be effective listeners, to provide feedback, to clarify issues and to assist the counselee in identifying options for problem resolution. Peer Support personnel are not therapists. When a problem appears to require specialized assistance, information on referral resources will be made available to department members and their families.

1031.1.1 PROCEDURES

There are no procedures associated with this policy.

1031.2 UNIT OPERATION AND MANAGEMENT

The Peer Support Program functions and is administered as an independent unit. Peer Support personnel will consist of persons who represent a cross-section of the Sheriff's Office. This team will include a lieutenant and sergeants who provide oversight and guidance to team members and team functions.

Utilization of the Peer Support Program is voluntary and is usually initiated by the person seeking counseling. There will be no mandatory referrals of department members to Peer Support personnel.

1031.3 CONFIDENTIALITY

Confidentiality is a moral and ethical issue. In order for the program to succeed, confidentiality must be as complete as humanly and legally possible. Peer Support personnel shall maintain the confidentiality entrusted to him/her and not discuss any information developed in any Peer Support contacts. If Peer Support personnel determine that a situation requires specialized assistance, they shall obtain the counselee's approval to discuss the situation with a professional referral or other resource. Again, confidentiality shall be maintained by all Peer Support personnel.

Peer Support personnel shall advise the counselee that confidentiality is to be strictly maintained except in the following circumstances:

(a) When the information received by the Peer Support person must be revealed by law, such as cases of child abuse or felony criminal conduct.

(b) Where there is reason to believe that the counselee intends to seriously injure himself/herself or another person. In the case of threatened serious bodily injury, a reasonable attempt shall be made to warn the intended victim(s) (Tarasoff Notification, Civil Code § 43.92).

Client standing is a legal issue. No person without a professional license has a right to claim client standing in a court of law.

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(a) Situations such as police shootings, excessive force law suits and even civil law suits present requirement for Peer Support personnel to advise the counselee that the contents of the conversations could be subject to subpoena.

It may occur that a Peer Support person is counseling an individual who becomes the subject of a disciplinary investigation. The Peer Support person should be guided by the confidentiality policy of the Peer Support Program. Peer Support personnel may not hamper or impede the actual investigation nor may they attempt to shelter the individual from the department.

All Peer Support matters involving confidentiality shall be handled in accordance with Government Code § 8669.1.

1031.4 INTERNAL INVESTIGATIONS

The role of Peer Support personnel in any situation will be one of support in dealing with the problems faced by the counselee in the disciplinary process. If at any time the Peer Support team member finds it necessary to invoke the confidentiality provisions of the Peer Support Program, he/she should consult the Peer Support Team Sergeants or Lieutenant for guidance and assistance.

Peer Support personnel may participate as witnesses before boards and hearings as any department employee would. They are free to testify on behalf of another employee, and with the permission of the employee, provide information which would normally be considered confidential. When asked or subpoenaed by the Department or other board or body to provide testimony, Peer Support personnel shall appear and testify. They should be free to respond to questions asked about their knowledge of the individual, but must not violate the confidentiality of that relationship except as required by law and department policy.

Supervisors who are Peer Support persons cannot abdicate their supervisory responsibilities.

1031.5 TRAINING

All Peer Support team members shall complete a peer support training course or courses as soon as practicable (Government Code § 8669.6).

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Vacation Request and Use Policy

1032.1 PURPOSE AND SCOPE

This policy provides guidelines for the request and use of vacation time.

1032.1.1 DEFINITIONS

Vacation Credit - The amount of vacation time off credited to an employee by the County of Marin. Vacation credit is earned in accordance with the schedules prescribed by the individual employee's respective Memorandum of Understanding (MOU) with the County.

Compensatory Time Off Credit - The amount of time off credited to an employee for overtime hours worked in lieu of a cash payment.

Annual Vacation Calendar - The rolling 12-month period identified by each work group during which annual vacation periods may be requested and scheduled.

Annual Vacation Period - The period of vacation and/or compensatory time off annually requested by an employee and guaranteed by the Department. For purposes of annual vacation requests, the time off allowed shall not exceed the cap for accumulated vacation time off described in the requesting employee's collective bargaining agreement.

1032.1.2 PROCEDURES

There are no procedures associated with this policy.

1032.2 POLICY

It is the policy of the Marin County Sheriff's Office to afford all personnel their vacation time in accordance with the laws of the State of California, Marin County Personnel Management Regulations, and the employees' applicable collective bargaining agreement.

1032.3 VACATION TIME

1032.3.1 REQUEST FOR AND USE OF VACATION TIME

Every employee of the Department is entitled to at least one annual vacation period each year. Prior to the 1st of May each year, a designated manager or supervisor from each respective work unit (e.g. Patrol Division, Jail, Court Services, Investigations Division, Marine Unit, Communications Division, etc.) will solicit requests for an annual vacation period from each assigned employee. Solicitations will be processed by seniority, with the most senior member of each respective unit requesting their annual vacation period first.

The Sheriff or the authorized designee shall determine the number of staff allowed to be off for an annual vacation period at any given time, based on the need to maintain minimum staffing levels within a given work unit, peak workload coverage, and general department and community needs.

The duration of an individual's requested annual vacation period is limited to the vacation credit reasonably anticipated to have accrued to that person at the time his/her annual vacation period actually begins, plus the compensatory time credit actually accrued at the time the request for an

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annual vacation period is made. If an employee requests to use compensatory time off credits for an annual vacation period, those credits shall be frozen until the annual vacation period has expired.

After all initial annual vacation period requests have been received and posted, a second solicitation shall occur. The processing of all subsequent requests for a second annual vacation period shall be done by seniority, with the most senior member of each respective work unit requesting his/her second annual vacation period first.

Employees are cautioned that no assurances can be made as to a secondary annual vacation period being available to them after the first vacation solicitation has been processed, or as to the length of any secondary annual vacation period should one in fact exist. Therefore, care should be taken to balance the desire for a second annual vacation period against the likelihood of a suitable opportunity being available when the second solicitation actually arrives. Less senior employees are especially cautioned against assuming the availability of a second annual vacation period, as those opportunities will go to the most senior employees first.

The total number of vacation and/or compensatory time off credits used per person, per annual vacation calendar, shall not exceed the cap for accumulated vacation time off described in the requesting employee’s collective bargaining agreement, inclusive of both annual vacation period requests made.

1032.3.2 ELIGIBILITY TO WORK DURING ANNUAL VACATION

Unless there are exigent circumstances, as determined by the Sheriff or the authorized designee, or in order to comply with a court order or subpoena, no employee is eligible to work an overtime shift if he/she is away from work during an annual vacation period.

Regular days off that fall immediately before or after an employee’s annual vacation period shall be considered to be a part of that annual vacation period. The employee shall enjoy the same protections against call back, stand-by, on call, and forced overtime during those scheduled regular days off as he/she does during the annual vacation period itself. The prohibition from working an overtime shift shall apply to the regular days off that fall immediately before or after an employee’s annual vacation period as well.

Mutually agreed to shift trades between employees are not affected by the above described prohibitions and may be executed at the employee's discretion during their annual vacation period, including regularly scheduled days off leading into and out of that vacation period.

1032.3.3 TRANSFER BETWEEN DIVISIONS

Employees who have an approved annual vacation period pending will be granted that time off if transferred or reassigned to another division.

1032.4 MEMORANDUM OF UNDERSTANDING

This policy shall not supersede changes adopted in subsequent MOUs and shall become subordinate to those agreements where a conflict in language or intent has been found.

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Employee Volunteer Service

1033.1 PURPOSE AND SCOPE

This policy provides guidance regarding sworn members who wish to volunteer their time to other divisions within the Department.

This policy is established to ensure the Department is in compliance with the Federal Fair Labor Standards Act.

1033.1.1 PROCEDURES

There are no procedures associated with this policy.

1033.2 POLICY

It is the policy of the Marin County Sheriff's Office that regularly employed sworn members shall not be allowed to volunteer their off-duty time to any division with the Department.

1033.3 REIMBURSEMENT TO VOLUNTEERS

Reasonable out-of-pocket expenses, reasonable benefits, and a nominal fee not tied to performance may be reimbursed to volunteers at the sole discretion of the Sheriff.

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Fitness and Wellness Program

1034.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish guidelines for employees utilizing the Human Performance Advancement Program and the Fitness and Wellness Program. The Department requires all employees electing to participate in the program to adhere to the conditions and rules described in this policy. The Marin County Sheriff's Office does not assume any liability for injuries that occur when employees engage in off-duty recreational activities, competitive events, or any workouts that occur outside of the employees' work hours.

1034.2 PROGRAM DETAILS

The program is designed to improve the fitness and wellness of the employees of the Marin County Sheriff's Office. The County of Marin and the Marin County Sheriff's Office recognize that employee wellness and physical fitness are among its top priorities. This program is designed to motivate and assist individuals in achieving and maintaining optimal levels of performance to reduce job-related injuries and illnesses.

The above will be maintained and monitored by the Professional Standards Unit.

1034.3 FITNESS AND WELLNESS PROGRAM

The Fitness and Wellness Program is offered to all full-time personnel.

1034.4 ON-DUTY FITNESS AND WELLNESS

The On-Duty Fitness and Wellness program will allow employees to utilize 60 minutes of their allotted work time to improve their fitness and wellness. The allotted time of Fitness and Wellness time may be utilized for the following:

(a) Physical Fitness Activities

(b) Utilization of the Retreat Suite in the Sheriff's Main Office

(c) Personal educational development such as studying, reading, or online courses.

Additional activities may be approved by the employee's supervisor so long as the primary purpose of the activity is to improve the employee's fitness or wellness.

1034.5 UTILIZING ON-DUTY FITNESS AND WELLNESS TIME

Fitness and Wellness Time will be subject to cancellation if exigent circumstances require additional personnel. The supervisor will determine daily participation based on the operational needs of the unit falling under the supervisor's supervision. Fitness and Wellness time cannot be utilized during the first or last hour of the shift to avoid conflict with briefing schedules.

(a) Employees assigned to 10 or 12 hour shift assignments will be allowed one hour of wellness time per shift. The one hour includes any time needed to shower and change back into uniform.

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(b) Those employees working 37.5 work weeks or alternative schedules will be allowed a minimum of at least one hour per work week to utilize the (workout/wellness) time, and any additional time will have to be coordinated and approved through your supervisor or sergeant.

(c) At the beginning of each shift, the Sergeant or supervisor will note the Fitness and Wellness times selected by staff for the assigned shift. The allotted workout times will be fair and equitable to personnel assigned to each shift to allow the opportunity for all members to participate in the program. The list of on-duty sworn staff utilizing the Fitness and Wellness time will be given to Comm. Center (Field Services) and Central Control (Custody Division). The division supervisor will manage the schedule.

(d) The Fitness and Wellness Time will take place in a Marin County Sheriff's Office building or approved county facility.

(e) Employees shall monitor radio traffic for priority calls for service, which they may be requested to respond to by their supervisors. Employees shall be available for call back by their supervisor or manager. If the employee's desired activity cannot be conducted while monitoring radio traffic (ex: meditating), the employee shall be able to be contacted immediately by their supervisor and/or designee by phone.

(f) The employee shall notify their supervisor where they intend to utilize their Fitness and Wellness Time.

1034.6 MAINTAINING PARTICIPANT STATUS

All participants must abide by the program rules to be eligible employees. Any new injuries must be reported to a supervisor immediately and documented via a Worker's Compensation form routed to the Professional Standards Unit and the Human Resources Department.

(a) An injury may temporarily suspend your ability to participate in the program. A work clearance letter must be provided prior to receiving permission to reenter the program.

(b) Any abuse of Fitness and Wellness Time can result in temporary or permanent suspension from the program.

(c) All modified duty employees shall be required to obtain a physician's note and clearance prior to entering or continuing in the Fitness and Wellness Program. Any restrictions must be clearly outlined in the note.

1034.7 REQUESTING ON-DUTY FITNESS AND WELLNESS TIME

On-Duty Fitness and Wellness time is approved only as staffing levels will allow. Due consideration must be given to deployment, staffing, and activity level.

(a) On-Duty Fitness and Wellness Time may be canceled at the discretion of a supervisor or manager.

(b) Only those eligible participants who are actively enrolled in the fitness and wellness program may be granted on-duty time for fitness and wellness time.

(c) Employees wishing to use on-duty workout time should request the desired time at the beginning of their shift.

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(d) On-Duty Fitness and Wellness time may not be taken during the first hour or last hour of the shift.

(e) Reports, calls for service, and meal breaks have priority over Fitness and Wellness time.

1034.8 INJURIES OR SIGNIFICANT ILLNESSES

Employees participating in the On Duty Fitness and Wellness Program are required to immediately report all injuries or serious illnesses that require medical attention. Following an injury, exercise privileges will be suspended immediately until further notice. Determination of when an injured party may resume exercise activity will be at the discretion of the Sheriff or his/her designee following a complete review of the injury report (see list below). The determination is based on the nature of the injury and the health/fitness needs of the individual.

(a) An injured employee may be required to submit a report detailing their injury/illness and obtain clearance in writing from the attending physician prior to resuming exercise activities.

(b) Once cleared to resume physical fitness activities, the injured participant will follow the exercise prescribed without deviation. Deviation from the prescribed exercise program may result in disqualification from the Fitness and Wellness Program.

(c) Those participants whose injury/illness require "light duty status" may participate in the Fitness and Wellness Program only following clearance by the attending physician. Exercise activity will be limited to the fitness program prescribed.

Failure to report any injury or illness resulting from participation in the fitness program may result in suspension or expulsion from the program and loss of facility use privileges both on and off duty.

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Chapter 13 - Volunteer Services

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Division of Volunteer Services

1300.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of the various volunteer services within the Department.

1300.1.1 PROCEDURES

There are no procedures associated with this policy.

1300.2 POLICY

It is the policy of the Marin County Sheriff’s Office to utilize citizen volunteers in a capacity consistent with their unique skills and to enhance the completion of the Department's mission.

1300.3 VOLUNTEER SERVICES

The Division of Volunteer Services consists of four units, under the command of the Captain of the Field Services Bureau. Each of the four volunteer units are coordinated by a Division Commander, as assigned.

1300.3.1 SEARCH AND RESCUE UNIT

The Search and Rescue Unit (SAR) is comprised of youth and adult citizen volunteers. The Search and Rescue Unit is affiliated with the Boy Scouts of America Explorer (Adventurer) post # 74 and accepts youth members age 14 to 17 years old. Applicants age 18 and older are eligible for adult advisor positions. Operating under authority of the Marin County Sheriff, the SAR unit provides a full range of search and rescue services within Marin County and to other counties in accordance with the Statewide Mutual Aid System.

1300.3.2 SHERIFF'S AIR PATROL UNIT

The Sheriff’s Air Patrol is comprised of licensed pilots who provide support for the Department through the use of private and department aircraft. Air missions are varied and range from patrol support, intelligence gathering, aerial photography, and special transportation assignments.

1300.3.3 SHERIFF'S MOUNTED POSSE

The Sheriff’s Mounted Posse is comprised of citizen volunteers supporting the Department in an equine capacity. Mounted volunteers ride privately owned horses in search missions and ceremonial events.

1300.3.4 SHERIFF'S ACS/RACES UNIT

Marin County Auxiliary Communications Service/Radio Amateur Civil Emergency Service (ACS/RACES) operates under the authority of the Marin County Sheriff’s Office of Emergency Services (OES). The goal of ACS/RACES is to provide auxiliary communications services to OES and served agencies in the event of a significant emergency affecting Marin County.

1300.4 AUTHORITY AND ASSIGNMENT OF VOLUNTEERS

All volunteers work under the general supervision of department members and are responsible to the Division Commander. Volunteers function within their assigned classification, performing only

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those duties to which they are trained to perform and to which they have been assigned to. In no event are citizen volunteers tasked with specific law enforcement duties normally carried out by deputies, nor do they have peace officer powers.

1300.5 APPLICATION AND SELECTION OF VOLUNTEERS

Volunteers interested in a particular unit may apply to the coordinator of that unit. Those citizens having particular skills desirable to the function of that unit (except SAR) will be considered for acceptance. All citizen volunteers will complete an application and pass a background check before being considered for acceptance. Volunteers work at the convenience of the Department and may be dismissed at anytime by the Division Commander or Bureau Commander. Although volunteer positions are open to all citizens, those residing within Marin County may be given preference over others.

All volunteers must abide by the rules and procedures of the unit to which they are assigned, and are at all times subordinate to their unit’s civilian coordinator, manager, or supervisor and to all regularly employed department employees. All volunteers must possess or obtain the necessary skills required by their unit assignment and maintain those skills for the duration of their service.

1300.6 VOLUNTEER CONDUCT

Volunteers should perform their function according to their best ability and immediately report to their superior if they cannot. Inability due to illness should be reported as soon as possible and injuries must be properly documented by the Unit Coordinator.

Volunteers shall at all times avoid such conduct that would bring discredit to the Department or their unit. They shall not use their uniform, badge, or identification to solicit gratuities, intimidate others, misrepresent themselves, or gain preferential treatment because of their position within the Department.

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Air Patrol

1301.1 PURPOSE AND SCOPE

The Marin County Sheriff's Office has established an Air Patrol Unit, a volunteer group of pilots that provide aerial resources and support. The group shall be recognized as the Marin County Sheriff's Air Patrol or by the acronym, MCSAP.

This policy provides guidelines for the operation of the MCSAP.

1301.1.1 PROCEDURES

There are no procedures associated with this policy.

1301.2 MISSION

The mission of the MCSAP shall be to support and promote the various missions of the Marin County Sheriff's Office. The Sheriff's Office Mission Statement shall be the MCSAP Mission Statement. The Sheriff's Office Values Statement shall be the MCSAP's Values Statement.

1301.3 HIERARCHY

The MCSAP shall establish and maintain an internal hierarchy, or Chain of Command. The Chain of Command shall consist of a Captain, Lieutenant, and Secretary/Treasurer. The Command Staff is elected by the MCSAP membership at the beginning of each year. Additionally, the MCSAP shall shall appoint a Chief Pilot and an Aircraft Coordinator, who will also be board members. Each month the Captain shall appoint a MCSAP member to be the Mission Coordinator. The Captain may also establish various committees to conduct MCSAP activities and may appoint members thereto as necessary.

MCSAP Liaison Lieutenant - MCSAP shall be overseen by a sworn, fulltime, Sheriff's Office Lieutenant who shall be the liaison between the Sheriff's Office and MCSAP. The MCSAP Liaison Lieutenant shall represent the Sheriff and has authority to provide guidance and make decisions on the Sheriff's behalf that are in the best interest of the Sheriff's Office and MCSAP as a whole.

MCSAP Captain -The MCSAP Captain shall have administrative duties and responsibilities over the proper operation and function of the MCSAP unit. The Captain shall report directly to the MCSAP Liaison Lieutenant. The MCSAP Captain shall not be considered of equal rank to that of a sworn, fulltime Sheriff's Captain, but shall have authoritative rank to address personnel and issues within the MCSAP unit, subject to review by the MCSAP Liaison Lieutenant when appropriate.

MCSAP Lieutenant - The MCSAP Lieutenant shall be second in command of the MCSAP unit. The MCSAP Lieutenant shall be in charge of the MCSAP unit during the MCSAP Captain's absence, or as directed by the MCSAP Captain. The MCSAP Lieutenant shall assume the same authority as the MCSAP Captain when acting in the MCSAP Captain's stead. The MCSAP Lieutenant shall not be considered of equal rank to that of a sworn, fulltime Sheriff's Lieutenant, but shall have authoritative rank to address personnel and issues within the MCSAP unit, subject to review by the MCSAP Liaison Lieutenant when appropriate.

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The MCSAP Captain and Lieutenant, as well as all other MCSAP members shall be subordinate to all sworn personnel of the Sheriff's Office. An exception to the above statement will be the Pilot in Command of the aircraft who shall have authority over sworn personnel in regards to flight and safety issues related to the Sheriff's Aircraft.

Chief Pilot - The MCSAP Chief Pilot or designee shall administer the pilot training and certification program for the MCSAP and ensure each MCSAP pilot completes the annual flight proficiency check required to be a Pilot in Command of the Sheriff's Aircraft. The Chief Pilot will maintain access to the FAA Pilot Record Database, PRD, as the representative to the FAA and, with approval, make required reports.

Aircraft Coordinator - The MCSAP Aircraft Coordinator shall be responsible for the proper use, maintenance, repairs, upgrades, and changes of and to the Sheriff's Aircraft. The Aircraft Coordinator shall make proper notifications regarding status changes of the Sheriff's Aircraft.

Mission Coordinator - The Mission Coordinator shall be responsible for managing all planned flights, missions, and callouts of the Sheriff's Aircraft. The Mission Coordinator shall be responsible for scheduling pilots for each MCSAP mission or planned flight. The Mission Coordinator shall also provide monthly training objectives for routine flights to maintain aircrew proficiency. These training objectives are established in conjunction with the training committee. The Mission Coordinator position may rotate on a monthly basis.

1301.4 AIRCRAFT MAINTENANCE PROCEDURES

It is the policy of the Marin County Sheriffs Office that the Sheriffs Aircraft shall be maintained in accordance with this policy and applicable Federal Aviation Regulations.

The purpose of this section is to establish procedures by which the Sheriff's Aircraft shall be maintained.

1301.4.1 DOCUMENTATION

The Aircraft Coordinator shall ensure that all required aircraft documentation is kept current, that documentation required to be kept with the aircraft is present, and that Engine and Airframe log books are kept in the MCSAP office.

1301.4.2 PERIODIC MAINTENANCE

The Aircraft Coordinator shall monitor utilization of the Sheriffs Aircraft and shall be responsible for scheduling the periodic maintenance required by Federal Aviation Regulations. Maintenance shall be performed under the supervision of an appropriately rated FAA mechanic. However, the Aircraft Coordinator and other members of the MCSAP may provide labor to accomplish needed work.

1301.4.3 OTHER MAINTENANCE

The Aircraft Coordinator shall ensure that all pilot complaints and concerns (squawks) are attended to as soon as practical. Any complaints or concerns expressed by any member regarding the air worthiness of the Sheriffs Aircraft shall be investigated and addressed immediately. The Aircraft

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Coordinator shall make sure all necessary corrective actions are taken before the aircraft is flown again.

1301.4.4 CLEANLINESS
All members of the MCSAP unit shall share the responsibility for maintaining the cleanliness of the Sheriff's Aircraft. The flight crews should take responsibility for cleaning the windscreen, wiping down the leading edges, and wiping oil from behind the breather after each flight. If the aircraft is dirty, members should wash the aircraft at the County provided wash rack. MCSAP members shall also share responsibility for keeping the Sheriff's hangar clean and orderly.

1301.5 AIRCRAFT PILOT QUALIFICATIONS PROCEDURES

It is the policy of the Marin County Sheriff's Office that the Sheriff's Aircraft shall be operated only by Eligible Pilots. Eligible Pilots are defined as Active and Life members of MCSAP, or those licensed pilots who are regularly employed members of the Marin County Sheriff's Office and have the Sheriff's approval to pilot the Sheriff's Aircraft. Eligible Pilots must also conform to any restrictions imposed by applicable Marin County and Sheriff's Office insurance policies. MCSAP members who are unable to meet the above criteria shall not pilot the Sheriff's Aircraft. The Aircraft shall be operated by a crew of two. Occasionally, single pilot operation may be necessary, in which case the MCSAP Captain's approval is a requirement.

The purpose of this section is to establish procedures by which Eligible Pilots will be qualified to act as Pilot in Command (PIC) of the Sheriff's Aircraft, or any aircraft performing a MCSAP mission.

1301.5.1 PERSONNEL
The MCSAP Captain shall appoint a member of the MCSAP to be the Chief Pilot (CP) as defined in this policy**.** That member shall be a current FAA Certified Flight Instructor, have been a member of MCSAP for a minimum of one year, have demonstrated a familiarity with aircraft operating issues, and be familiar with the Sheriff's Aircraft. The CP may appoint other MCSAP members who are current FAA Certified Flight Instructors to act as Flight Instructors (Fl) within the MCSAP. MCSAP FIs will implement a pilot qualification program developed by the CP and will act under the general direction of the CP.

1301.5.2 PILOT IN COMMAND MINIMUM CRITERIA
Only Eligible Pilots may be qualified to act as PIC of the aircraft. To be qualified as PIC, they must be at least an FAA private pilot with an airplane single-engine land rating and a high performance qualification, meet FAA medical requirements to act as PIC, have at least 250-hours of PIC time, have successfully completed an in-flight proficiency review in the Sheriff's Aircraft conducted by a MCSAP CP or Fl within the prior 12-months, and have the current and recent flight experience required by the Federal Aviation Regulations (FARs). Except that a pilot who meets FAA certification requirements to act as PIC but has not completed an in-flight proficiency review may act as PIC if accompanied by an FAA certified flight instructor (CFI).

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1301.5.3 PILOT QUALIFICATION CRITERIA
The CP shall develop qualification criteria that will determine whether or not an Eligible Pilot is qualified to act as PIC of the Sheriff's aircraft. In doing so, the CP shall take into consideration the nature of the MCSAP flight operations.

1301.5.4 PILOT INITIAL TRAINING
Initial training shall include review of the airplane flight manual in sufficient detail to ensure the pilot understands its critical information and knows where other information is located and shall include sufficient instruction to ensure the pilot understands the MCSAP procedures and how to prepare the MCSAP preflight and post-flight forms and reports. Initial training shall also include sufficient flight time to permit the pilot to become familiar with the Sheriff's Aircraft. At the completion of the initial training, each pilot must successfully complete an in-flight proficiency review conducted by the CP or an FI, performing all tasks and maneuvers at a level which, in the judgment of the CP or FI, meets or exceeds the qualification criteria. A pilot or instructor receiving or giving initial training, or conducting any operation in a recently acquired Sheriff's Aircraft for which said pilot is otherwise FAA qualified to act as PIC, is not required to have any prior training in the Sheriff's Aircraft.

1301.5.5 PILOT RECURRENT TRAINING
Each PIC shall receive recurrent training and successfully complete an annual in-flight proficiency review in the Sheriff's Aircraft no later than the end of the 12th month after the month of the date of the previous review. In addition, each PIC shall fly sufficiently throughout the year to maintain competency and recent experience in the Sheriff's Aircraft.

1301.5.6 PILOT DOCUMENTATION
At the initial and at each annual in-flight proficiency review, each pilot shall submit a copy (preferably on a single page) of their FAA pilot's license, medical document, and documentation of pilot currency in accordance with the FARs (i.e. signed log book page, pilot proficiency award program certificate, CFI renewal, new rating or licenses, etc.) to the CP or FI. Upon any change to the pilot's documents, the pilot shall submit an updated copy of those documents to the CP, prior to acting as PIC of the Sheriff's aircraft. In addition, the pilot shall submit such information as may be required by the MCSAP Command related to insurance on the Sheriff's Aircraft. Upon successful completion of each in-flight proficiency review, the CP or FI shall note the same on the MCSAP copy of the pilot's documents.

Any pilot documentation submitted to an FI shall be forwarded to the CP. The CP shall maintain a file containing current documentation on each PIC and shall ensure that the Aircraft Coordinator is updated on pilot and PIC statuses.

1301.6 AIR PATROL CALLOUT PROCEDURES
It is the policy of MCSAP to respond to all requests for service, immediate or otherwise. Responses can vary from returning a phone call, to facilitating an actual aerial response. Requests for MCSAP services can be received by any member of the MCSAP. All requests for service shall be forwarded to Sheriff's Office Liaison Lieutenant and the MCSAP Command. Approval from the Sheriff's

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Liaison Lieutenant and the MCSAP Command for response requests that involve actual flight operations should be obtained prior to responding.

1301.6.1 PROCEDURES

It is intended that the Sheriff's Liaison Lieutenant approve all requests for MCSAP services and missions. If the Sheriff's Liaison Lieutenant cannot be reached, approval should be sought from the Sheriff's Office Patrol Watch Commander. In the event the Sheriff's Liaison Lieutenant cannot be reached prior to accepting a request for service or a mission and the call out or mission has been approved by the Watch Commander, the Sheriff's Liaison Lieutenant shall be advised of the mission as soon as practicable.

Requests for service can be received through various channels including the Communications Center, Sheriff's Liaison Lieutenant, MCSO Watch Commander, MCSAP Command, MCSAP members, and the Office of Emergency Services. Each request received will be vetted by the MCSAP Command; this should include the MCSAP Captain and Mission Coordinator if both are available. All requests for immediate response shall be treated as a priority. Consideration shall be given to the nature of the call or request, the feasibility of a MCSAP response, the duration of the response, and availability of resources for mission success. The mission of the Sheriff's Office should be considered in all requests and responses.

1301.6.2 MEMBER DUTIES

Any MCSAP member receiving a request for service or mission shall notify the Sheriff's Liaison Lieutenant, the MCSAP Captain and the MCSAP Mission Coordinator. When a mission or callout is approved, the MCSAP member may assume the role for mission coordination, or transfer that responsibility to the MCSAP Mission Coordinator. The resultant Mission Coordinator shall make notifications as necessary, including MCSAP unit callout page-text and/or phone calls, and make personnel assignments for aircraft crew and ground support.

1301.6.3 NOTIFICATIONS

Notification to MCSAP members shall be through established paging-through-texting methods, directly by phone or through the Communications Center. When forwarding a received request for service, a follow-up phone call should be made to the MCSAP Captain and Mission Coordinator when practicable.

1301.6.4 RESPONSE

The Sheriff's Liaison Lieutenant should be notified of any request for MCSAP service, callout, or mission prior to accepting it. If unable to notify the Sheriff's Liaison Lieutenant prior to response, the Sheriff's Watch Commander shall act in his/her stead and then the Sheriff's Liaison Lieutenant shall be notified as soon as practicable thereafter.

For immediate responses, the requesting agency should be notified of the estimated time needed to place the aerial resource(s) overhead. The requesting agency should confirm the location of the requested response, establish an agreed upon radio communication talk group or channel for

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the Sheriff's Aircraft and requesting agency ground units to use, and confirm the role they expect the Sheriff's Aircraft to play in supporting their ground operations.

For planned, lower priority missions, the requesting agency should be provided the names of the responding crew members, a primary contact's name and phone number, the location and time of the response requested, and what equipment they require for the Sheriff's Aircraft response (i.e. loudhailer, real-time aerial photos, etc.). If the mission is prolonged, the Mission Coordinator shall preplan crew relief and aircraft refueling when necessary. The Sheriff's Liaison Lieutenant and MCSAP Command shall be notified of any prolonged mission, planned or otherwise.

1301.6.5 MISSION COMPLETION

The Mission Coordinator shall notify all active and standby personnel of mission completion. The Mission Coordinator and crew members shall ensure that all equipment utilized during the mission is returned in good working order to its proper place.

The Mission Coordinator shall ensure that all required reports are completed and properly filed at the end of each callout or mission.

1301.7 AIR PATROL UNIFORMS

It is the policy of the Marin County Sheriff's Office that MCSAP will establish a fair and just uniform policy that will provide standard guidelines for all active members as to what is appropriate, considering task, mission, and duty. This policy shall recognize that the MCSAP utilizes different grades and styles of uniforms and uniformity, which are established and approved by the MCSAP Command Staff, as well as the Sheriff's Office.

1301.7.1 CLASS A

All active members should avail themselves of a Class A jacket and tie for occasions that may arise and/or be requested by the Sheriff.

Class B and Class A descriptions and regulations are covered in the Uniform Regulations Policy.

1301.7.2 CLASS B

All active members will have in their possession, or have access to, a full and correct Sheriff's Deputy Class B uniform.

1301.7.3 MCSAP POLO SHIRT

MCSAP members may wear an MCSAP polo shirt as their uniform as approved by the MCSAP Command Staff or Sheriff's Liaison Lieutenant. The MCSAP polo is a standard, tan uniform shirt. The shirt will display the department's authorized star in the area of the left breast pocket. The employee's/member's first initial and last name shall be centered in the area of the right breast pocket, embroidered in black, ½ inch, block letters. Uniform polo shirt description and regulations are covered in the Uniform Regulations Policy.

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1301.7.4 PANTS
MCSAP members should wear Tactical Pants (511 or similar color OD green) when wearing the MCSAP authorized polo shirt.

1301.7.5 FLIGHT SUIT
MCSAP members may wear the Sheriff's Office and MCSAP approved flight suit. Flight suits are described as Sheriff's utility coverall uniforms. The flight suit is further described as, a one-piece suit that is generally worn over clothing. The flight suit shall be green in color and be distinctively marked in concert with a standard uniform. Cloth badges may be used in place of a standard metal Air Patrol badge. The Sheriff's Office cloth badge description and regulations are covered in the Uniform Regulations Policy.

1301.8 UNIFORM BADGE, AND IDENTIFICATION CARD
It shall be the policy of the Marin County Sheriffs Office to issue a Sheriff's Office uniform badge to each Marin County Sheriffs Air Patrol member. The badge will have a distinctive top ribbon that clearly states AIR PATROL. The badge shall be the property of the Sheriff's Office, not the individual.

1301.8.1 SWEARING-IN
Each new member of MCSAP will be subject to, and must pass a background investigation conducted by the Sheriff's Office Professional Standards Unit. Each applicant that successfully passes the background and is determined to be a qualified candidate for MCSAP membership shall be sworn-in by the Sheriff, or the authorized designee as a volunteer member of the Sheriff's Office. All MCSAP members will beheld to the same standards a fulltime, sworn deputy sheriff is held to, including behaviors to promote public trust and ethical behaviors. Each member of the MCSAP shall complete a one year probationary period before becoming a regular member of the MCSAP unit.

1301.8.2 SHERIFF'S OFFICE BADGE AND IDENTIFICATION CARD
At the time of swear-in, each new member of the MCSAP will be issued a Sheriff's Office uniform badge. Each new member of the MCSAP will also be issued a Sheriff's Office identification card.

1301.8.3 USE AND REVOCATION
The badge and identification card will be used for official business only and only in the course of duties directly related to the MCSAP unit. The Sheriff's Office badge and identification card shall not be used as a means to sway the public or other law enforcement officers for personal gain or recognition. Both the Sheriff's uniform badge and identification card belong to the Marin County Sheriffs Office and the privilege to carry them may be revoked at any time.

1301.9 AIR PATROL CAL-CARD
It is the policy of the Marin County Sheriff's Office and the MCSAP to establish guidelines and parameters for the use of a County issued CAL-Card.

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1301.9.1 CAL-CARD ISSUANCE

The Sheriff's Office Liaison Lieutenant shall be issued a County credit card. The VISA CAL-Card shall be issued in the Lieutenant's name for use by MCSAP. This CAL-Card shall be used by authorized MCSAP members for all approved, routine and non-purchase order (P.O.) purchases such as fuel and maintenance items. The Sheriff's Liaison Lieutenant shall gain approval for purchases that, by county policy, meet the expense level to require a P.O. (currently $5,000 and above). That approval must come from the Sheriff, Undersheriff or Sheriff's Business Office prior to a requisition and purchase is made.

1301.9.2 CAL-CARD PURCHASE PROCEDURES

All MCSAP members making purchases with County CAL-Card, whether in-person or online, shall obtain a receipt for each purchase made. All receipts will be forwarded to the MCSAP Treasurer. The MCSAP Treasurer shall be responsible for gathering all monthly receipts and forwarding the receipts, or copies of the receipts, to the Sheriff's Liaison Lieutenant. This shall be done each month at the end of each CAL--Card billing cycle. All purchases must be accounted for. The Sheriff's Liaison Lieutenant shall assure complete and accurate billing and statement reconciliation is made each month.

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Sheriff's Mounted Posse Unit

1302.1 PURPOSE AND SCOPE

This policy provides guidelines for the operation of the Marin County Sheriff's Office Mounted Posse Unit.

1302.1.1 DEFINITIONS

Equestrian – Relating to horses (any species thereof) or horseback riding.

Equestrian Group - A group of volunteers skilled in riding horses and performing on horseback to carry out the mission of the Marin County Sheriff's Office.

Volunteers – Persons who meet the requirements, are selected, and who agree to use their privately owned and maintained horses while in performance of any and all duties under the authority and direction of the Department and in compliance with the Department's policies and procedures and the Sheriff's Mounted Posse Unit By-Laws and who do so without expectation of compensation by the Department or the County of Marin for their time or operational expenses.

Caisson – A horse drawn ceremonial cart used for dignitary funeral and memorial services. The caisson is accompanied by a designated platoon of Mounted Posse members and is available for use during memorial services held for the death of sworn public safety personnel and/or other appropriate ceremonial functions.

1302.1.2 PROCEDURES

There are no procedures associated with this policy.

1302.2 POLICY

It shall be the policy of this department to have a group of equestrian specialists who volunteer to provide equine assistance for search and rescue services and public relation through participation in approved community events. This group shall be known as the Marin County Sheriff's Office Mounted Posse Unit, Mounted Posse, or Posse. This unit shall be directed in accordance with the Department's policies and procedures.

1302.3 OBJECTIVES

The Marin County Sheriff's Office Mounted Posse Unit's objectives shall be:

(a) To serve the public welfare in the event of a disaster, catastrophe, or emergency.

(b) To provide assistance with removal, retrieval, or transport of equine and large animals as warranted.

(c) To perform search and rescue as required.

(d) To be well trained for the services to be provided.

(e) To maintain a healthy professional group of well organized volunteers.

(f) To encourage a spirit of cooperation and good will.

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(g) To promote the confidence and respect of the general public.

(h) To promote an understanding of the usefulness of horses in public safety.

(i) To assist the Sheriff in public relations events as requested.

(j) To provide Caisson services for a public safety related funeral as requested and approved by the Sheriff.

1302.4 ADMINISTRATION

(a) The Sheriff shall appoint all members of the Mounted Posse and they shall serve at his/her pleasure.

(b) The Mounted Posse shall fall under the Field Services Bureau of the Sheriff's Office.

(c) The Sheriff shall appoint a sworn, regular member of the Department to act as a Liaison Officer to oversee operations of the Mounted Posse Unit.

(d) The duties of the Liaison Officer shall include:

  (a) To act as the Sheriff's designee in all matters related to the Mounted Posse Unit.

  (b) To coordinate the administration, activities, and training of the Mounted Posse Unit as needed.

  (c) To assist the Mounted Posse Unit in meeting their objectives.

(e) Members of the Mounted Posse Unit will be unarmed and shall not engage in general or specialized law enforcement actions otherwise entrusted to regularly sworn deputies. Members who may lawfully carry a concealed firearm may do so only as a source of protection and defense, limited to any and all restrictions placed upon their lawful authority to possess a concealed firearm. Any Posse member who may lawfully carry a concealed firearm and who does so while engaged in Posse duties shall maintain the firearm in a concealed fashion at all times and the weapon shall not be openly displayed

Members of the Mounted Posse Unit are subject to disciplinary actions as described in the Mounted Posse By-Laws. However, members of the Mounted Posse Unit serve at the pleasure of the Sheriff and can be terminated without the right to appeal.

1302.5 MEMBERSHIP

Membership in the Mounted Posse Unit shall be determined pursuant to the Mounted Posse By-Laws. All applicants are subject to a full background check. No regular, paid member of the Marin County Sheriff's Office may participate as a volunteer Mounted Posse Unit member in accordance with the Employee Volunteer Service Policy.

1302.5.1 MOUNTED POSSE OFFICERS

The Mounted Posse shall be governed by the listed elected officers:

(a) Captain

(b) 1st Lieutenant

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(c) 2nd Lieutenant

(d) Treasurer

(e) Secretary

The Captain shall preside over:

(a) Meetings

(b) All operation functions

(c) Practice and training

(d) Planning

(e) Field services

(f) Issues relating to equipment

The Mounted Posse Captain shall report directly to the Sheriff's Posse Liaison Officer.

The elected Captain shall appoint a Board of Directors. The Board of Directors shall consist of the above listed officers and 3 additional members and shall be responsible for all administrative issues involving the Mounted Posse Unit.

The election of officers shall be as follows:

(a) Nominations for elected Officers shall take place in October.

(b) Election of Mounted Posse Officers shall take place in November.

(c) Term will begin the first regular meeting in January.

(d) The terms of office shall be for 2-years.

(e) Election of 1st and 2nd Lieutenants' positions shall alternate every year.

1302.6 MANDATORY REQUIREMENTS

In order to meet the objectives of the Mounted Posse Unit, there will be mandatory requirements for all members as described in the Mounted Posse By-Laws. These requirements may be changed as necessary.

1302.7 CALLOUT PROCEDURES

Callouts for the Mounted Posse Unit shall be the same procedure as for the Sheriff's Office Search and Rescue Unit (SAR). All requests shall be made through the on-duty Watch Commander via the Communications Center and with the approval of the Mounted Posse Liaison Officer or the authorized designee. This can be in conjunction with or separate from a SAR callout.

Requests for Mounted Posse Unit callouts shall clearly state the nature of the callout and requirements for response (i.e. search for missing person or large animal rescue).

Requests for the use of the Caisson shall be made through the Sheriff or the authorized designee. All requests for the use of the Caisson and accompanying Mounted Posse platoon must be approved by the Sheriff.

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Search and Rescue Team

1303.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the Marin County Sheriff's Office Search and Rescue (SAR) team.

1303.1.1 DEFINITIONS

Volunteers – Persons who meet the requirements and are selected to perform any and all duties under the authority and direction of the Sheriff's Office and in compliance with the policies and procedures of the Sheriff's Office, and the Marin Search and Rescue Rules and Regulations, and who do so without expectation of compensation by the Sheriff's Office or County of Marin for their time or operational expenses.

K-9 – A certified CARDA or WOOF SAR dog handler and dog make up a K-9 Unit.

MRA – Persons who meet the requirements and are certified under the Mountain Rescue Association to perform Type 1 missions defined in the State of California Type 1 protocols.

Youth Member – Youth members are those members who are between 14 years of age and under 18 years of age as classified by the Boy Scouts of America Venturing Guidelines and have successfully met all requirements for membership.

1303.1.2 PROCEDURES

There are no procedures associated with this policy.

1303.2 POLICY

It shall be the policy of the Marin County Sheriff's Office to have a group of search and rescue specialists who provide search and rescue services to Marin County and neighboring counties within the State of California, 24 hours a day, 365 days per year, without compensation. This group shall be known as the Marin County Sheriff's Office Search and Rescue Team, or Marin SAR. This team shall be directed in accordance with this policy and the Rules and Regulations of the Search and Rescue Team itself. Marin SAR should provide for the youth of Marin County to develop life skills in a supervised environment while helping those in need.

Marin SAR is an all-volunteer organization that supports the Marin County Sheriff's Office. Marin SAR meets all Federal and State requirements for status as a not-for-profit organization. No officer, director, or associate of Marin SAR receives compensation from Marin SAR for engaging in the Marin SAR's activities. Marin SAR has no employees, only volunteers.

Marin SAR's sources of financial support consist of funds from the Marin County Sheriff's Office and access to and use of certain facilities, supplies, and equipment of, and training by, the Marin County Sheriff's Office.

1303.3 TEAM OBJECTIVES

Marin SAR's objectives shall be:

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(a) To serve the public welfare in the event of a disaster, catastrophe, or emergency.

(b) To perform search and rescue as required.

(c) To be well trained for the services to be provided.

(d) To maintain a healthy and professional group of well organized volunteers.

(e) To encourage a spirit of cooperation and good will.

(f) To promote the confidence and respect of the general public.

(g) To promote an understanding of preventative search and rescue and public safety.

(h) To assist the Sheriff in public relations events as requested.

1303.4 ADMINISTRATION

The Sheriff shall appoint all members of Marin SAR and they shall serve at the Sheriff's pleasure. Marin SAR shall fall under the Field Services Bureau of the Sheriff's Office. The Sheriff shall appoint a sworn, regular member of the Sheriff's Office to act as a SAR Coordinator to oversee operations of Marin SAR. The duties of the SAR Coordinator shall include:

1. To act as the Sheriff's designee in all Marin SAR related matters.
2. To coordinate the administration, activities, and training of Marin SAR as needed.
3. To assist Marin SAR in meeting their objectives.

Members of Marin SAR will be unarmed and shall not engage in general or specialized law enforcement actions otherwise entrusted to regular sworn deputies.

Members of Marin SAR are subject to disciplinary actions as described in Marin SAR's Rules and Regulations. However, members of Marin SAR serve at the pleasure of the Sheriff and can be terminated without the right to appeal.

1303.5 MEMBERSHIP

Membership in Marin SAR shall be determined pursuant to Marin SAR Rules and Regulations. All applicants are subject to a background check. No regular, sworn member of the Marin County Sheriff's Office may participate as a volunteer member in compliance with the Ventura Decision.

The Sheriff may assign a regular, sworn member of the Department to the Search and Rescue Team at his discretion.

1303.6 ELECTED YOUTH OFFICERS

Elected officers are youth members who have been elected to their position by a majority vote of the Marin SAR's youth members. The goals of the Youth Officers are to:

(a) Provide leadership opportunities within the team for youth members.

(b) Assure youth members are being represented.

(c) Serve as role models to other youth members in the organization.

(d) Assist with team operations.

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The responsibilities of the elected Youth Officers are as follows:

President - Works as a liaison between youth members and the Unit Leader. Responsibilities for running and planning agendas for general and team council meetings. Oversees the rest of the Youth Council members.

Vice President - Works as a Liaison between youth members and Training Manager. Responsible for informing president of training events at general meetings. Fills in if President is unavailable at general or Council meetings. The Vice President also liaisons with the Operations Director and has reporting duties pertaining to missions.

Secretary - Responsible for member hours and informing personnel when members are low on hours. Records minutes at all meetings, puts out minutes and action items letter to all advisor members after Council meetings.

Treasurer - Assists in the management of the SAR Store, and other special projects as assigned.

1303.7 SAR TEAM APPOINTED OFFICIALS

Appointed officers are members who have met the specific requirements of the position as defined by the Rules and Regulations. Appointed officer positions can be held by youth or adult members.

1303.7.1 GOALS

The goals of Marin SAR's appointed officials are as follows:

- To maintain the continuity of critical team operations.
- To ensure the long-term success of the team.
- To represent the team when conducting Sheriff's Office business.

A spirit of good will, communication, and cooperation is very important to the success of the management team. Appointed officers are encouraged to delegate, and use a team concept in managing the training activities of the team to foster the development of all members.

1303.7.2 RESPONSIBILITIES

Unit Leader - Primary representative of Marin SAR to the Sheriff's Office. Responsible for working with the Operations, Finance, Support, and Administrative Directors to carry out Marin SAR's goals and policies as set forth by the Council and the Sheriff's Office.

Administrative Director - Responsible for maintaining continuity between, and focus on the development of youth officers.

Accounting Manager - Works with the Finance Director to pay invoices and disperse funds.

Finance Director - Responsible for all of Marin SAR's finances and financial health including maintaining non-profit status.

Operations Director - Responsible for supervising all search operations and the day-to-day operations of Marin SAR.

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Support Director - Responsible for overseeing unit readiness through training.

Boot Camp Manager - Responsible for overseeing and managing the boot camp program for new members, including keeping training current, updating supporting materials, and organizing and staffing all parts of the boot camp training.

Canine Manager - Responsible for overseeing Marin SAR's K9 program including readiness and policies and ensuring all dogs are accredited.

Equipment Manager - Responsible for maintaining the readiness of all Marin SAR's equipment, with the exception of technological and medical items.

Equity and Inclusion Manager - Responsible for guiding Marin SAR's efforts to ensure that the organization is actively engaged in promoting diversity, equity, and inclusion for all members and prospective members.

Fundraising Manager - Responsible for determining funding needs of Marin SAR, identifying funding opportunities, and applying for donations from public and private sources.

Medical Manager - Responsible for overseeing medical training and equipment to ensure team readiness.

Mountain Rescue Team Manager - Responsible for ensuring adequate training to respond to Type 1 missions as well as prepare the team for the annual Mountain Rescue Team recertification test.

Personnel Manager - Responsible for recruiting new members, review of member participation, disciplinary action, and attendance records.

Search Managers - Responsible for leading search and rescue missions and supervising the command and general staff on search and rescue incidents and trainings.

Training Manager - Responsible for preparing the membership for all skills necessary to carry out various search and rescue operations safely and effectively.

1303.7.3 APPOINTMENT TO POSITION

The Council will solicit possible candidates from the general membership when a vacancy occurs. The Council will then evaluate the qualifications of the applicants and select a replacement. The candidate's appointment must be accepted by the SAR Coordinator. The positions of Unit Leader, Administrative Director, Operations Director, Finance Director, and Support Director must be approved by the Captain of the Field Services Bureau.

1303.8 MANDATORY REQUIREMENTS

In order to meet Marin SAR's objectives, there will be mandatory requirements for all members as described in Marin SAR's Rules and Regulations. These requirements may be changed as necessary.

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1303.9 CALL OUT PROCEDURES

All requests for Marin SAR shall be made through the on-duty Watch Commander via the Communications Center and with the approval of the SAR Coordinator or the authorized designee.

Requests for Marin SAR callouts shall clearly state the nature of the callout and requirements for response (i.e. search for missing person or evidence search).

1303.9.1 IN-COUNTY TRAIL RESCUE CALLOUTS

For in-county trail rescues, the Communications Center shall request a response from Marin SAR immediately after the request for the trail rescue has been made. After the request has been made, the Communications Center shall notify the on-duty Watch Commander of the request and response.

1303.9.2 OUT-OF-COUNTY CALL OUTS

For mutual aid requests, Marin SAR will coordinate missions with Cal OES. Approval from the SAR Coordinator, or the authorized designee, and an assigned mission number from Cal OES are required prior to any deployment for an out-of-county mission. This ensures members are covered by workers compensation.

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